

# THE IMPACT OF HOUSING INSPECTIONAL SERVICES ON HOUSING MAINTENANCE IN THE CITY OF BOSTON

*A PRELIMINARY EVALUATION*

The Boston Urban Observatory

*JULY, 1971*





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THE BOSTON URBAN OBSERVATORY

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## TABLE OF CONTENTS

	<u>Page</u>
FOREWORD. . . . .	i
I. NATURE AND SCOPE OF STUDY . . . . .	1
II. HOUSING INSPECTION DEPARTMENT . . . . .	3
A. Housing Inspection Department: Central Office Procedures . . .	3
B. Violation Procedures: Whittier Street Field Office . . . . .	17
C. Analysis of Civil Code Enforcement Remedies . . . . .	20
D. Community Improvement Program . . . . .	33
III. HEALTH AND HOSPITALS DEPARTMENT: INSPECTION SERVICES . . . . .	58
A. Environmental Inspectional Services--Health and Hospitals Department. . . . .	58
B. Health and Hospitals--Environmental Sanitation Division . . .	60
IV. BUILDING DEPARTMENT . . . . .	62
A. Organization, Staff, and Performance. . . . .	62
B. Procedure . . . . .	63
V. ANALYSIS OF MAJOR ISSUES. . . . .	68
A. Building Maintenance. . . . .	68
B. Consolidation for Operation of Inspection Services. . . . .	73
C. Housing Inspection Personnel Requirements and the Proposed Reorganization. . . . .	77
D. The OPS Inspection Services Experiment. . . . .	83
VI. CONCLUSIONS AND RECOMMENDATIONS . . . . .	92
A. Proposal for Restructuring the Housing Inspection Department Administrative Hearing. . . . .	92
B. OPS Memorandum to Home Rule Commission. . . . .	103
C. Epilogue. . . . .	107

### APPENDICES

#### A. Forms Used in Housing Inspection Process:

<u>Form No.</u>	<u>Form Title</u>
1A	Complaint
1B	OPS Complaint
2	Legal Notice
3	Inspector's Recommendation
4	Referral to Other Agencies
5	Ownership Request
6	Hearing Request
7	Notice of Administrative Hearing
8	Hearing Decision
9	Post-Hearing Re-Inspection

<u>Form No.</u>	<u>Form Title</u>
10	Prosecution in Process
11A	Court Complaint (Boston Municipal Court)
11B	Court Complaint (Roxbury Court)
11C	Court Complaint (Dorchester and South Boston Courts)
11D	Court Complaint (Brighton Court)
12	Inspector's Prosecution Report
13	Departmental Prosecution Status Report
14	Housing Code Form
15	Request for Inspection
16	Special Legal Notice
17	Request for Variance
18	Inspector Variance Report
19	Order to Vacate
20	Placard and Continuance of Order Notice

- B. Types of Inspectional Work Performed by Health and Hospitals Department
- C. Central Environmental Sanitation Subroutine Inputs
- D. Building Department--Authorized Positions, September 1, 1970
- E. OPS Recommendation for Building Regulation Department
- F. Home Rule Commission's Reorganization Proposal



## FOREWORD

Local administration of housing codes is generally considered to be one of the least effective of the several local strategies used to pursue national goals of "a decent house and a suitable living environment for every living American". Despite this overall pessimistic assessment there is growing interest at all levels of government in strengthening the local housing code function and in adopting promising innovative approaches, particularly as public sentiment reflects strong support for this course of action.

In Boston, the citizen-complaint network of the Mayor's Office of Public Service (OPS) had been receiving clear-cut signals that city residents were dissatisfied with the performance of municipal agencies responsible for inspecting housing and for securing improvements and repairs in conformance with minimum standards of the State Sanitary Code. These tentative indicators of public perception have been confirmed by a recently-published national attitude survey report covering 10 cities, including Boston, which corroborated the legitimacy of the complaints to OPS. Sponsored by the National League of Cities through its urban observatory program, this study of citizen attitudes about city taxes, city services and city problems concluded that the majority of persons interviewed were unhappy with the level of municipal effectiveness in housing code enforcement. Accompanying this definitive expression of dissatisfaction, moreover, was the view of a majority of survey respondents that their cities should be spending more money for this function. (Housing inspectional services was one of only two items--drug programs, the other--in a list of 16 selected services which received majority approval for a higher level of municipal spending.) In Boston, 72 percent of the adults surveyed favored increased expenditures for this purpose.

The Mayor's Office of Public Service requested this study by the Boston Urban Observatory because its Policy Analysis Section felt that City

officials required guidance on revised policies and administration for housing code enforcement. It was believed that choices among alternative program strategies and organization structure ought to flow from comparative analysis of current operations. A number of different approaches were already in effect: traditional enforcement of complaints, limited systematic enforcement of entire neighborhoods, federally-assisted community improvement (concentrated code enforcement) in two areas with plans for expansion into other areas, the spreading use of civil remedies, e.g., rent withholding and rent receivership, by tenants and tenant organizations, and the application of leverage under local rent control legislation to effect compliance by property owners with housing code standards. City officials were also interested in the findings and recommendations of the several research reports in the housing codes series undertaken for the National Commission on Urban Problems (Douglas Commission), particularly the Slavet-Levin study, New Approaches to Housing Code Administration. Moreover, key local officials in Boston had participated in drafting the Biennial Program Policy Resolutions of the National Association of Housing and Redevelopment Officials (for 1969-71 and for 1971-72), which gave priority to housing services and neighborhood improvement as an essential part of a local community development program.

It should be emphasized that this report is a preliminary evaluation, not a comprehensive analysis. Neither is it a benefit-cost study. The report carefully describes the procedures and forms used in the current system in order to identify the major actors in housing code administration and to demonstrate the relatively insignificant role of tenants affected by City policies and the actions of property owners. The detailed description of programs, procedures, and organization structures also serves as a framework for analyzing the strengths and weaknesses of civil equity reme-

dies and federally-assisted community improvement program approaches, for suggesting procedural changes which give tenants status equal to that of property owners at various stages of the administrative process, and for recommending major revisions in organizational patterns to effect improvements in delivery and impact of housing and neighborhood improvement services.

This study was supported jointly by the Boston Urban Observatory, the Model Cities Administration of the City of Boston and the Mayor's Office of Public Service of the City of Boston. The research and most of the analysis were performed by the following students in urban planning at the Massachusetts Institute of Technology: Anna Hardman, Daniel Janey, John Keane, Andrew Reamer, Lee Shostak, Kenneth Vogel and James Warring.<sup>1</sup> The research was coordinated and supervised by Thomas J. Hargadon, Deputy Director of the Office of Public Service for Planning and Evaluation, and Vincent O'Donnell, Program Development Officer of OPS.

Without the cooperation of public officials and private citizens involved in the work of housing code enforcement, this report would have been little more than a review of previously published materials. Accordingly, gratitude is extended to Francis W. Gens, Commissioner of Housing Inspection of the City of Boston, Wilfred J. Peltier, Deputy Program Coordinator of the Community Improvement Program in the Housing Inspection Department, and Daniel Milano, Supervisor of the Environmental Sanitation Division of the Department of Health and Hospitals. They provided access to their records and facilitated extensive interviews with their staffs. Although many other persons cooperated with the study team, any attempt to draw up a complete list would surely omit someone. Special thanks, however, go to Sadelle Sacks, former Executive Director of Fair Housing, Inc. for her assistance and for sharing some of her records with the study staff.

Joseph S. Slavet, Director  
Boston Urban Observatory

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<sup>1</sup>The students were under the general supervision of Justin Gray, a part-time member of the urban planning faculty of the Massachusetts Institute of Technology.



## I. NATURE AND SCOPE OF STUDY

This study is a preliminary evaluation of the relative impacts of various City policies and programs related to the enforcement of housing codes and to the maintenance and upgrading of the existing supply of housing. It analyzes code enforcement functions at both the level of central administration and field procedures. City departments covered by the study include Housing Inspection (HID), Building, and the environmental unit of Health and Hospitals. Also reviewed are newer approaches to housing code enforcement, including civil remedies and federally-assisted concentrated code enforcement projects.

The purpose of this analysis is:

1. To develop a framework for continuing policy studies directed toward establishing strategies for allocating resources among alternative approaches to code enforcement;
2. To make recommendations for reorganization of existing code enforcement agencies and for more effective operation of the City's responsibilities for assuring adequate housing and building maintenance.

The City of Boston now has several departments administering several codes designed to maintain building and housing standards. The Building Department is responsible for enforcing the Building Code, which covers new construction and the alteration and repair of existing structures. The Environmental Sanitation Division of the Department of Health and Hospitals enforces those articles of the State Sanitary Code which pertain to commercial food establishments, bathing beaches and swimming pools. The Housing Inspection Department enforces Article II of the State Sanitary Code, which incorporates minimum standards for human habitation and applies only to occupied dwelling units.



This study was carried out in two successive phases:

1. Documentation of the legal basis for the authority and functions of the several departments and of agency inspection and enforcement procedures;
2. Analysis of these materials in cooperation with selected departmental staff persons and staff of the Home Rule Commission of the City to identify and evaluate code enforcement goals, policies and performance standards.

The following three chapters of this report contain descriptions of the operations of the Housing Inspection Department, the Environmental Sanitation Division of the Health and Hospitals Department, and the Building Department. These statements highlight the important aspects of the Departments' activities; they are not intended to be comprehensive reviews of departmental operations. Chapter V analyzes the major factors which influenced the conclusions and recommendations presented in the final chapter.

## II. HOUSING INSPECTION DEPARTMENT

The descriptive analysis of the Housing Inspection Department begins with a description of procedures at its central office and its field office at Whittier Street in Roxbury. This is followed by a detailed analysis of the several civil code enforcement remedies currently used by tenants and tenant groups in Boston. The final section focuses on activities of the Community Improvement Program (official title for the federally-assisted concentrated code enforcement program), which is administered by the Housing Inspection Department.

### A. Housing Inspection Department: Central Office Procedures

#### 1. Introduction

The Housing Inspection Department enforces Article II of the State Sanitary Code and several provisions of the State General Laws (Ch. 111, Section 123, and Ch. 186, Section 12). HID inspection and enforcement procedures are initiated either by complaints from members of the public or by systematic "coding" of every residential building in a selected neighborhood by a team of inspectors.

#### 2. Complaint Procedure

##### a. Initiation

Most inspections are initiated by a complaint from the public. Inspections are also generated by referral from another agency.

Complaints delivered to the HID central office or to one of the field offices (Whittier Street in Roxbury or Arcadia Street in Dorchester) by letter, telephone, or in person are noted on the complaint form (Form 1A).<sup>1</sup> Complaints received through the 24-hour service complaint of OPS or the Little City Halls are noted on the OPS six-part form (Form 1B).

The complaint form is transmitted to the inspector assigned to the area where the alleged violation(s) occurred. One copy of the six-part form

is filed at the HID central office; two copies are forwarded to the inspector. Emergency cases are telephoned to the field offices and the forms sent later. Non-emergency cases are distributed by messengers who travel between the central office and HID's field offices, usually in the afternoon.

b. Inspection

The inspector inspects the property, checking for the violations complained of. He notes on the complaint form (either 1A or 1B) whether the violations exist.

If there is no cause for action, this is indicated on the complaint form, which is returned to the central office, added to the complaint file, and the case is closed.

If violations are identified, the inspector checks them off on the complaint form which is returned to central and filed. He also fills out the legal notice (Form 2).

If the inspector finds a need for placarding (posting a notice of violation on the building) or demolition, or if he finds violations which warrant a more complete survey than a routine call permits, he recommends a full survey on Form 3 (Inspector's Recommendation). This goes to his unit supervisor who schedules a more complete inspection to be undertaken before any further action is taken.

The inspector can, if necessary, refer the case to other City agencies for appropriate action; for this purpose the inspector uses a special Form 4 (Referral to other Agencies).

c. Legal Notice

Form 2 is the legal notice used to inform persons of breaches of the State Sanitary Code. Legal notices used for nuisance and rent receivership cases are discussed in subsequent sections of this report.



The inspector describes the violations he has found at the property on the legal notice by using standard references to relevant sections of the code. The owner is given five days from receipt of the notice to correct the violations; 24 hours for emergency cases. The inspector fills in the owner's name and address, which he has received from tenants, from HID attorneys by using an ownership request (Form 5) or from HID attorneys by telephone in emergencies.

Three copies of the legal notice are prepared. The original and one carbon are for HID files; the second carbon is the owner's copy.

If the owner lives in Boston, or in or near the inspector's area, the inspector personally delivers the owner's copy of the legal notice, and fills in the reverse side of all copies, to confirm that it has been served, in addition to the date, time and method of service.

If the owner lives in Boston, but not near the inspector's area, or if the inspector is not an authorized constable (all permanent HID inspectors are constables qualified to deliver legal notices), all copies of the legal notice are forwarded to another inspector in the same district or to another district for delivery.

After delivery, the original and one copy are forwarded to the central office for filing. (In a few cases the inspector retains one copy of the legal notice for his files and forwards only the original to the central office).

If the owner lives in the central part of Boston, the inspector forwards all copies of the legal notice to the central office for delivery thereof.

All services to be made outside the city of Boston are sent by certified mail, except in emergencies. The original and one copy are filed with the mailing documentation **until** the return receipt arrives showing that the notice has been delivered and the date on which it was delivered. In emergency cases, or if the owner refuses delivery by certified mail, an

owner who lives outside Boston can be served by an out-of-town constable who follows the same procedure as the HID inspector serving a notice.

When the original and copy of the legal notice are received from the inspector, or when the return receipt is returned by the post office, the forms are ready for processing.

A clerk notes the date the notice was served and determines the date on which reinspection is due. This is the cycle date which is noted on the original and copy. Two duplicate copies are made of the legal notice.

The original, the department carbon (if any) and one duplicate are then filed in the cycle file to be drawn on the reinspection date for further action.

The second copy is put in a master file of legal notices in alphabetical order by street where the violation occurred.

As each reinspection is reached, the cycle file copy of the legal notice is forwarded to the senior inspector for assignment to an inspector. The case is typed on a daily assignment sheet.

#### d. First Reinspection

The senior inspector assigns the case to an inspector (usually the same one who made the first inspection) for reinspection.

The inspector reinspects the property. If he finds that the violation has been corrected, he "marks off" the notice. He returns all forms to the central office. The office then pulls all records and files them in a "mark-off" file, in alphabetical order by address of the violation. The case is then considered closed.

If the inspector finds on reinspection that violations still exist, he can recommend an extension of time for the owner to comply. He notes this on the legal notice which is returned to the central office where a new date for compliance is noted on the master file copy. The property is reinspected at the expiration of the time extension.

Alternatively, if violations still exist, the inspector may recommend an administrative hearing (or court prosecution in emergency cases). The hearing is recommended on a separate hearing request form (Form 6). Two copies of the hearing request form are sent to the central office along with the inspector's copy of the legal notice.

If the inspector has not returned his copy of the legal notice within one week to ten days, a clerk checking the cycle file will send the inspector a second copy of the legal notice, marked "second request", to remind him to reinspect and return the papers to the central office.

#### e. Hearing

The legal notice informs the property owner of his right to request an administrative hearing. If the owner does not request a hearing, and if the violation persists after the first reinspection procedure is completed, a hearing will be scheduled by the HID central office on receipt of the inspector's hearing request form.

A clerk at the HID central office pulls the master file copy of the legal notice and the cycle file original. A date is set for the hearing and the owner is notified thereof on a special form (Form 7, Notice of Administrative Hearing), a copy of which is filed with the case papers. The owner is given one week's notice of the hearing. The hearings clerk prepares a folder for each case in which the file copies of all papers pertaining to the case are kept. The inspector's copy of the legal notice and of the hearing request form go to the hearings officer who holds them until the hearing is held. The folder of case papers is filed in the hearings drawer by hearing date and address of violation.

The hearings officer receives a copy of the log of hearings scheduled for each day together with his duplicate sets of case papers.

After the hearing, or after the owner has otherwise communicated with the hearings officer, the latter writes his decision on the hearing

decision form (Form 8). Four copies of the decision are made. One goes to the landlord, either by giving it to him at the hearing or mailing it to him if he does not come to the hearing. Another copy is added to the file of case papers, and one is filed by the hearings officer. The hearings officer can establish extensions of time to complete the work of correcting the violations (usually up to one week for rubbish, roaches, or minor violations; up to one month for electrical work or inadequate plumbing, i.e., violations which require contractual work). When an extension is granted, the hearings officer's copy of the case papers is forwarded to the inspector and the file copy of the case papers is put in the cycle file under the date on which the extension expires. On the appropriate date the inspector is sent a duplicate of the legal notice, which notifies him to reinspect.

If an owner claims the work is done or does not appear at the hearing, or if any request for extension or modification is denied, the file copy of the case papers is put in the cycle file under the reinspection date. The inspector is sent the hearing officer's copy ("working copy") of the case papers and notified to reinspect immediately. At the hearing a property owner can submit a request for a variance from the code.

#### f. Post-Hearing Reinspection

After the hearing is held, the property is always reinspected. The inspector is sent the working copy of the case papers immediately. If no extension of time has been granted, transmission of the documents is an automatic signal to reinspect. If an extension has been granted, the inspector is notified to reinspect by forwarding a copy of the legal notice to him from the central office.

The inspector reports the result of this inspection on the post-hearing

reinspection form (Form 9) in duplicate. If the inspection shows that the work is done, all case papers are pulled and put in the mark-off file. The case is closed.

If the inspector is unable to enter the property because it is vacant or no one is home, or if work is going forward to repair the violations, he can recommend reinspection. He forwards one copy of his recommendation to the central office where it is added to the file copy of the case papers which are recycled, and the inspector is notified to reinspect by sending him a copy of the legal notice. The other copy of the inspector's recommendation is filed with the inspector's working copy of the case papers, which are filed in the field office.

If the work has not been done or started, the inspector usually recommends court prosecution. He notes this on the post-hearing reinspection form and returns both copies of this form along with his working copy of the case papers to the central office. The case papers are then sent to the prosecutions section for processing.

#### g. Prosecution Proceedings

##### 1) Initiation of Prosecution

If after a post-hearing reinspection the inspector recommends prosecution, he then prepares the prosecution-in-process form (Form 10) in duplicate. One copy of this goes to the prosecutions clerk together with the case papers from the inspector and the file copy from the cycle file. The second copy goes to the HID attorneys to check that the ownership on the legal notice is correct. If it is incorrect, the case papers are assembled and the case closed; a fresh case against the new owner is then initiated.

If the ownership is correct, the HID attorney sends the prosecution-in-process form to the prosecutions clerk who prepares a prosecutions file on the property from all the case papers--the inspector's working copy, the file copy from the cycle file, and the prosecution-in-process sheets.



A department prosecution status sheet is prepared and filed in the binder containing current prosecution cases.

The prosecutions clerk fills out three copies of the court complaint form which is different for each court (see Forms 11A through 11D).

A separate form is used for each code clause alleged to be in violation.

## 2) Court Proceedings

The prosecutions file consists of the working copy of the case papers, which goes to the inspector with a copy of the court complaint form, and the file copy of the case papers, which is filed in the prosecutions file by address of the violation. The inspector and a department lawyer take the complaint form (court copy) to court. The court clerk sets a preliminary hearing for a week later. The property owner is served with a court-issued summons to appear at such hearing.

After each court appearance, the inspector fills out two copies of the inspector's prosecution report (Form 12) and files one copy with his working copy of the case papers. The other is returned for filing in the prosecutions file with the file copy of the case papers. A card file of pending court appearances is maintained at the central office and inspectors are notified the day before they are due to appear in court so that they can reinspect the property before their appearance. Before each hearing and for complex cases the lawyer receives information on the case from the departmental prosecution status report (Form 13). This is brought up-to-date after each court appearance. For straightforward cases the lawyer uses the working copy of the court complaint which lists the violations.

Before and at each hearing a new prosecution report is filled out. The inspector reinspects the property the afternoon before or morning of the court appearance to check if the violations have been corrected.

At the hearing before the court clerk, the clerk can authorize a continuance to complete the work. If the work has been completed, the case is

closed. If the owner is not doing the work, or if he does not appear at the hearing, the clerk issues a complaint and sets a date for trial. In deciding whether to give continuances, the clerk tends to rely on the recommendation of the HID lawyer.

At trial, the judge has a number of alternatives: he can give further continuances; dismiss the case, if the inspector testifies that the work is done; find the property owner guilty and levy a fine if he is not correcting the violations; or impose a suspended sentence, placing the case on file for some period before finally dismissing the charges if the owner is not involved in further offenses. If the owner does not appear in court, a warrant for contempt of court will be issued for his arrest.

#### h. Determination of Ownership

The Housing Inspection Department makes checks of ownership at two stages in departmental procedure. These are undertaken before the legal notice is issued to the landlord and while the prosecution is in process.

The inspector must secure the name and address of the owner of the property. If the tenants do not know it, or are unsure of it, he will send the pink ownership request slip (Form 5) to the title examiner in the HID central office. The title examiner first checks his file to see if he has a record of ownership of the property. A card exists for any property for which HID has made an ownership check. If a record of the property is on file, and if it is recent or recently checked (i.e., 2-3 weeks old), the title examiner will return the ownership request slip to the inspector with the owner's name and address from the orange card.

If a card is on file but not one checked recently, the title examiner will transmit the orange card to a conveyancer to check the ownership. The information on the card from previous checks provides a starting point for checks of ownership at the Land Court, at the assessor's office, and at the county registry of deeds for recent transfers of the property.

If there is no card for the property, a record is prepared from the information given by the inspector, and the conveyancer initiates his check of ownership.

If the conveyancer has difficulty determining ownership, the title examiner uses the large-scale city atlas to check if the address is correct.

When the owner and address have been found, this information is recorded on the orange card for the property and the form is filed under its street address. The address and name of the owner are forwarded to the inspector on the case who then fills out the legal notice. The address-finding procedure usually takes less than one day, but occasionally can take up to a week or more. In emergency cases, inspectors can initiate the ownership search by telephone to the HID attorneys.

When an inspector recommends prosecution, ownership is checked again using the same procedure. One copy of the prosecution-in-process form is sent to the HID attorneys. When ownership has been determined, the form is returned to the clerk in charge of prosecutions.

### 3. Alternative Procedures

#### a. Coding

In addition to inspections originating through complaints HID also carries out systematic inspections of all the housing in a given neighborhood. This so-called "coding" operation is carried out by a special team of some ten inspectors under supervision of a senior inspector. (Relatively new inspectors are given their initial training in coding operations.) Inspectors use a special housing code form (Form 14) to check the dwellings for compliance with each item in the code. When violations of the code are found, a violation procedure is initiated similar to action taken for complaints.



The coding inspectors do not usually carry through the cases they start during coding: after the first reinspection, a separate team of inspectors responsible for reinspection takes over. Violations of the code may be found which may qualify for a variance; in this case the owner may start variance proceedings at or before the hearing stage.

b. Request for Inspection: Rent Withholding and Rent Receivership

If tenants wish to undertake rent withholding or rent receivership proceedings against their landlord, they first ask HID to make a complete inspection. The inspection must be requested on a separate form (15 , Request for Inspection). After the inspection, this form is filed at the HID central office in the same folder with other complaint forms. When the request for inspection is submitted to HID, the case is assigned a case number with the prefix RI, and the case is given to the group of inspectors who deal with RI cases. On receipt of Form 15, the inspectors carry out an inspection of the property using the housing code form (Form 14) and checking the property for conformity with all code items. This is returned to HID central office when the inspection is completed.

If the inspector finds violations which "endanger or materially impair" the residents' health and safety, he will fill out and send the landlord, instead of the usual legal notice (Form 2), a special legal notice (Form 16, also called a nuisance notice) giving 24 hours notice to the landlord to correct conditions. Then the same procedure is followed as with any other complaint case. The tenant may request (for \$1) a copy of the legal notice which was sent to the landlord. This represents the tenant's evidence admissible in court that he is justified in withholding rent, similar to the procedure for initiating receivership proceedings. (See section of report on Civil Code Enforcement Remedies.)

c. Nuisance Notice

The nuisance notice or special legal notice (Form 16) is used in cases where conditions exist which do not violate the State Sanitary Code, but constitute a "nuisance, source of filth, and causes of sickness" violating Ch. 111, Section 127A of the State General Laws. The landlord may be given 24 hours or five days notice, depending on the seriousness of the nuisance. He has no legal right to a hearing and if the violation is not remedied at the end of the initial notice period, the inspector who reinspects decides whether to give the landlord an extension to comply, or to refer the case to the central office for prosecution.

d. Willful Withholding of Services

HID also has use of Ch. 186, Section 14 of the General Laws in emergency cases where violations of this section are also violations of the Sanitary Code, where HID knows and can prove that the landlord has intentionally failed to supply hot water, heat, gas or electricity. Enforcement follows the same procedure as for regular emergency proceedings, but this section is rarely used because it is difficult to prove and because the regular emergency procedure is usually adequate.

e. Variances

A landlord may request a variance if his property does not meet code requirements and if he can show that:

- 1) enforcement would create a manifest injustice to any person;
- 2) granting the variance would not conflict with the spirit of the Sanitary Code;
- 3) the lives and safety of the occupants or the general public will not be endangered if the variance is granted.

The landlord must file for a variance in duplicate on Form 17, (Request for Variance), on or before the hearing date. He must also supply within five days of filing this form a statement by a "licensed or expert" tradesman substantiating that the above conditions are met.

The property is then inspected by a HID inspector using Form 18 (Inspector Variance Report). He may recommend granting a full or partial variance or that the variance not be granted. The HID commissioner makes the final decision. If a variance is granted, a letter informing the State Public Health Commissioner is sent, and a copy filed at HID.

f. Placarding

If a property shows extensive code violations and dilapidation, and if the owner has shown no willingness to repair the property, the department may then undertake placarding procedures, which amounts to official condemnation of the structure as unfit for habitation. A title search is made and a legal notice served on the owner and mortgagees which gives ten days notice that the building is condemned and orders that it be vacated. The owners and mortgagees have the right to request a hearing. The department also determines the names and family size of all tenants. The hearing is held, and owners may ask for and be granted an extension to require the building to comply with the code. If the owners do not comply or do not appear at the hearing, HID will serve the landlord (and mortgage holders) and tenants with a copy of the legal notice and an order (Form 19) to vacate the building in ten days. HID also notifies the relocation department of the Boston Redevelopment Authority (in the case of properties in renewal areas), the Community Improvement Program office in the concentrated code areas, and the Boston Housing Authority for the rest of Boston. These agencies provide help to tenants in relocating.

After the ten days of notice terminates, the building is placarded (see Form 20). If tenants have not yet moved out, they are taken to court and a court order to leave is issued. If the building is bad enough to warrant demolition, the case is referred to the Building Department.

g. Emergency Violations

Emergency cases are those where tenants have no heat, electricity, gas or water, or where sewage violations exist. In emergency cases the following modifications are made to speed up procedures.

1) Complaints received at the HID central office are telephoned to the inspector at the appropriate field office.

2) Emergency cases receive priority and are inspected as soon as possible--the same day or the following day.

3) Ownership and the owner's address are checked by phone with HID attorneys.

4) The legal notice is made out and delivered on the same day, if necessary by the inspector who completed the notice. Notices to out-of-town owners are delivered by out-of-town constables.

5) The owner is given 24 hours to comply with the notice.

6) The department then has two options: on receipt of the inspector's reinspection report, it can schedule a hearing; or it can take the case to court immediately.

7) If a hearing is held, the owner can be given an extension to comply if it appears warranted, if he is acting to repair the violation and if the residents' health and safety are not endangered.

8) If the owner is taken to court at once, he is entitled to a departmental hearing at a later date.

9) If the case is taken to court, the court clerk, at the department's request, will schedule the hearing at once, giving the owner one week's notice.

h. Proceedings against Tenants

HID can proceed against tenants where conditions exist which are code violations and are the tenants' responsibility. These are usually cases of bad housekeeping, cases where roaches or rats exist in one apartment



only, or nuisance cases where pets are kept or where rubbish is improperly disposed of. Tenants are served with a legal notice, their dwelling units are reinspected and they have a right to a hearing in the same way as landlords.

## B. Violation Procedures: Whittier Street Field Office

### 1. Jurisdiction and Staff

The Whittier Street office of the Housing Inspection Department consists of 17 inspectors, three senior inspectors, and a principal inspector who supervises the unit. The office is responsible for housing inspection in Brighton, Allston, Roxbury, South End, Back Bay, and part of Dorchester. Inspectors are assigned areas defined by ward and precinct boundaries.

### 2. Procedures and Forms

Complaints usually originate with the following sources: the central office of HID, direct calls to the Whittier Street field office, patients of the health unit in the Whittier Street building, the Mayor's Office of Public Service, and the Little City Halls (LCH). Anything from OPS or LCH's is recorded on a special six-part form; the regular complaint form is used to cover all other situations. According to the unit supervisor, both are never used for one case.

#### a. Warrants

On any given inspection, the inspector has the right to enter a dwelling on suspicion of a violation. If the tenant will not permit entry, however, the inspector will go to court to secure a warrant authorizing entrance by showing probable cause. A police officer participates in serving of the warrant.

Ownership is determined by: (1) asking the tenant, (2) checking available ownership records at City Hall, (3) sending in an ownership request form.

b. Notices

There are two standard legal notice forms--one for Article II (Sanitary Code) violations, and one (called a nuisance notice) covering all other violations applicable to housing. If a violation is of a non-emergency nature, the owner is usually given five days to correct it. Any emergency violation is given 24 hours. Once a notice is written, it presumably is to be delivered immediately. In fact, emergency notices are delivered at once; however, for non-emergencies, a one to two day gap is normal. This is because notices are delivered by the inspector in whose district the owner lives, not by the inspector who wrote the notice; time is thereby lost in transfer.

A notice is prepared in three copies. The second copy goes to the owner, the first and third to the central office. When the third copy is returned to the inspector, he makes a reinspection. From the time the notice is written to the day of reinspection, the interval is usually twelve days to two weeks.

If a non-emergency violation still exists at the time of the first reinspection, the inspector will put in a request for a hearing almost automatically. This involves sending a hearing request form and the third copy of the notice to the central office. The owner has the right to request a hearing himself by submitting a request in writing therefor to HID. For an emergency notice, rights to a hearing are waived. Violations not corrected by the time of reinspection are brought directly to court. The inspector does not attend these hearings; he reinspects after a hearing when the third copy of the notice is again returned from the central office. A record of every reinspection for a given violation is written on the back of the third copy, which is essentially an inspection history.

c. Courts

If and when a case goes to court, the inspector appears in court along with a HID attorney.

d. Files

An inspector's paperwork (complaint forms, notices, ownership requests, OPS forms) for each day is bundled up with his daily work sheet and given to his senior inspector, who looks over the forms for clarity and corrections and then sends them to the central office. The only regularly maintained records are two notebooks, one showing the pertinent information each time a notice is written, and one indicating each time a notice is served.

## C. Analysis of Civil Code Enforcement Remedies

### 1. Introduction

The purpose of this section of the report is to outline the several civil code enforcement remedies currently used by tenants and tenant groups in Boston. Emphasis will be on analyses of rent withholding and rent receivership procedures. It should be noted that there are still several areas of civil code enforcement that have not been studied.

Civil remedies are analyzed mainly in terms of low-income tenants and corresponding low-income housing markets. The effectiveness of civil remedies will also be assessed on the basis of their impact on the low-income tenant and on the degree to which they serve to maintain code standards in low-income housing.

### 2. Civil Code Enforcement Remedies--The Laws

Below are the conditions under which a tenant may employ one or more civil remedies and the recourse he may expect according to the law.

3

#### a. Rent Withholding

The rent withholding law provides that under a set of specified conditions a tenant may pay his rent into the district or superior court, to be held by the court until the landlord repairs or removes code violations. The conditions of the law are:

- 1) The tenant, not owing for past rent, gives notice in writing to the landlord that because of the violations of code, he intends to withhold all rent until the conditions are remedied. Also, code violations must be verified by a local agency having powers of inspection relative to fitness for human habitation or to conditions which may endanger or materially impair the health or safety of occupants. In Boston, the verification comes in the form of a HID complaint notice containing the following concluding phrase: "It



is hereby stated that said violations may endanger or materially impair the health or safety and the well-being of any tenant therein or persons occupying said property." This complaint notice is signed by the inspector.

- 2) Violations claimed by the tenant for rent withholding action can not be a result of tenant abuse or abuse by anyone acting under his control.
- 3) The premises are not situated in a hotel, motel, lodging house, or rooming house where the tenant has maintained occupancy less than three months.
- 4) Violations claimed by the tenant for rent withholding action can be removed or repaired without vacating the premises.

Also, the verification of tenant-claimed violations by the inspection agency shall serve as prima facie evidence of the facts stated in the complaint form.

4

b. Rent Receivership

The rent receivership law provides that under a set of specified conditions a tenant may take action through the district court or superior court to have the premises in which he lives placed in receivership for such time as may be required to remove or repair various code violations. The conditions of the law are:

- 1) If a rental property is in violation of the State Sanitary Code, if such condition is a danger or material impairment to the health or well-being of any tenant, if the violations were not substantially caused by the tenant or anyone acting under his control, and if the violations are verified by inspection of the Board of Health or other inspection agency, then petition may be filed by the tenant, Board of Health, or Housing Inspection Commissioner in district court.

- 2) Upon payment of a two dollar entry fee by the tenant, the landlord is ordered to appear before the court not later than fourteen days after notification. At a hearing, the landlord must answer for the various code violation charges as well as naming all mortgagors or lienors of record known to him.
- 3) A copy of the report of investigation from the Department of Health, Board of Health, or Housing Inspection Commissioner serves as prima facie evidence of the facts and is admissible in any proceeding.
- 4) If the court hearing establishes the truth of the claimed code violations, rents may be ordered payable to the clerk of court. This action is allowed if:
  - a) The tenant does not owe past rent;
  - b) The tenant owes past rent and he pays it to the clerk of the court; and
  - c) Violations of code were not caused by the tenant or anyone acting under his control.

The clerk of court may direct disbursement of all or any portion of rental payments received by him to remove or repair violations. The clerk may also make payments to the landlord for the maintenance of the property. Upon removal of the violations, the remaining funds in the possession of the clerk are paid back to the landlord.

- 5) After thirty days of authorization for the tenant to pay rents to the court, the case may be removed to the superior court upon receipt of payment of a five dollar fee.
- 6) When taking action in superior court, the tenant may follow procedure similar to that followed in the district court. Notice is

given to the landlord, lienor, and mortgagors by registered mail seven days prior to the hearing. As a consequence of the hearing, the court may act in any of the following ways:

- a) Issue restraining orders or injunctions;
  - b) Order rents paid into the clerk of court;
  - c) Vacate the building and close the premises; or
  - d) Appoint a receiver.
- 7) The court-appointed receiver must then post bond and begin collecting rents. The receiver will institute removal or repair of code violations from the proceeds of the on-going rent rolls and any rents withheld up to that time. The receiver may be a person, partnership or corporation.
- 8) To facilitate more extensive repairs, the receiver may petition the court for Massachusetts state funds in the form of a 6% loan to be repaid out of future rents.

### c. Rent Control

Under the City's new rent control ordinance the Boston Rent Board may refuse a petition for an upward adjustment of maximum rent if it determines that either the State Sanitary Code, the Fire Prevention Code, or the Boston Building Code has not been complied with, and that such violation is not caused by tenant neglect or misconduct. The Board may also initiate a complaint on behalf of a tenant where housing conditions violate any of the above code requirements as to warrant public action.

### 3. Civil Code Enforcement Remedies - The Actors

The term "actors" is used here to indicate the five organizations (two government and three private) that play major roles in civil code enforcement procedures. These groups were selected for examination either because of the leverage they exercise on important steps of the civil process or because of the significant number of housing units they have brought

into civil code enforcement action. One possible exception to these criteria is Boston Lawyers for Housing, whose role in civil code enforcement has been chiefly that of drafting the legislation outlined above.

a. Housing Inspection Department

The Housing Inspection Department is a major actor in the civil code enforcement process because of the power it holds over two important decision points. First, HID must decide if tenant complaints, as listed in the "request for inspection" form, are in fact violations of code, and if they are violations, that they endanger or materially impair the health or safety of any tenant. This decision by HID is critical if the tenant hopes to seek relief under rent withholding or receivership laws. Second, HID decides what constitutes repair or removal of a violation; in other words, it specifies the point at which a tenant's or receiver's right to withhold rent from the landlord terminates.

A sense of how HID views its role in civil cases was gained from interviews with the Department's Director. He perceives HID's civil code function as strictly a matter of mechanics. When "request for inspection" (IR) forms are submitted by tenants, they are turned over to a special ten-inspector IR task force, a member of which institutes an inspection. From this inspection, HID determines which tenant complaints represent violations of code and what other violations, not listed on the IR form, exist on the premises. The inspector then prepares and signs a complaint notice listing the violations. At that point, a copy of the notice is sent to the landlord and HID prepares the case for standard criminal prosecution. In addition, the tenant or tenant group may purchase a certified copy of the complaint notice for \$1.00 to serve as prima facie evidence of the facts necessary for withholding or receivership action. The Director supplied the following breakdown of such tenant-initiated inspection requests during the past few years: 1966-124; 1967-278; 1969-1031; 1970-503 (Jan.-June).

During the first half of 1970, 483 complaint notices were picked up by tenants for the \$1.00 fee. Presumably, they were used by the tenants as the basis for applying informal pressure on landlords to correct violations, as the basis for initiating a rent withholding procedure, or as the basis for launching a receivership procedure. The official explanation for the increase in inspection requests over the last five years was the increase in awareness and application of civil code enforcement laws.

The Housing Inspection Department also acts in some cases brought before the Board of Rent Appeals, which administers rent control. If code violations are uncovered as part of its own investigation, the Board refers this information to HID. During six months of its operation, some twenty such referrals have been made to HID which has made inspections in connection with such referrals and taken appropriate action when necessary.

As one actor in the civil code enforcement process, HID has developed its own values regarding the use of the withholding and receivership laws. Following are some perceptions of the process and its impact on the city's housing stock made by the HID Director.

- 1) Civil tools have proved effective if used by responsible groups like the Boston Legal Assistance Project (BLAP), Fair Housing, or tenants councils. However, he considers the civil laws to be misused when employed by others for personal advantage.

- 2) As for large-scale upgrading of the housing stock, the civil remedies have had little impact. It seemed to be the Director's opinion that HID's normal criminal prosecution process for handling code violations



is more effective in gaining widespread code compliance.

3) One point of failure for civil remedies is the lack of State appropriations for 6% loans that would provide for large-scale repairs of housing put through receivership.

4) Since there is a tendency for marginal housing to fall into receivership, it is obvious that major rehabilitation efforts are required to bring it up to acceptable standards. This raises a serious economic feasibility question.

#### b. The Courts

Because this study did not include an in-depth investigation of the role of the courts in civil enforcement processes, it does not include definitive findings concerning court effectiveness. Various perceptions of the courts held by those most affected by court judgments, however, emerged during the study. These are important because how tenants and tenant interest groups view the courts definitely affects the number and type of civil cases brought into the courts.

District courts command little respect from most tenant groups and are avoided whenever possible in favor of the superior court. Both BLAP and Fair Housing considered most superior court judges to have a higher level of knowledge and understanding of the law and on balance were most enlightened than district court judges. The superior court seems to be more inclined to uphold the rights of tenants by granting them the use of civil remedies.

Spokesmen for tenant-interest groups generally make two major points about the shortcomings of the court system:

1) Some judges hold the rights of property ownership too sacred and for this reason are not particularly sympathetic to the plight of the low-income tenant.

2) If substantial use were made of existing civil code enforcement laws, the case load would be too great for the courts to handle.

c. Fair Housing, Inc.

In terms of the number of cases it handled, Fair Housing, Inc. (FHI) was perhaps the most important tenant-interest actor.<sup>6</sup> In 1969, FHI received 291 cases involving code violations. Of that number, it managed to get repairs initiated in 133 cases, usually by applying informal pressure on the landlord; of that number, however, 67 cases resulted in rent withholding and four went as far as receivership. FHI has a large case file as a result of building up a reputation as an effective tenant-interest group since the early sixties. Fair Housing has drawn both on indigenous black residents and interested white professionals to develop an effective staff that has done as much or more than any other agency in seeking to improve living conditions in Boston's slum areas.

Code violation cases come in to Fair Housing in several ways. First, tenants who are dissatisfied with their existing living conditions often contact FHI as a source of help in finding new housing. Since few, if any, standard low-income units are available, FHI makes an effort to secure improvements in the tenants' existing quarters. Second, possible housing code violations are often referred to FHI by a welfare worker. This study followed up on two such cases located in the Back Bay and in Roxbury. If the tenant is willing, FHI tries to get the conditions improved. Third, civil cases involving housing are referred to FHI after legal action by the Boston Legal Assistance Project (BLAP). This is done so that FHI may serve as receiver.

In all suspected code violations cases, FHI sends out its own trained investigators to verify tenant complaints and to record any other violations not identified by the tenant. The FHI surveyor then fills out a HID request form for inspection which is signed by the tenant. Fair Housing staff also contacts other tenants on the premises, and if they consent, inspects their apartments for code violations. Once again, a request for inspection form is submitted for the tenants' signatures. All IR forms are then sent into the HID central office for an official inspection.

Upon HID certification of code violations, Fair Housing can proceed with several courses of action. As noted above, landlord compliance is frequently achieved through informal pressure. The next step is to begin a rent withholding action; if this fails, a move is made to have the building placed in receivership.

As a primary non-public actor in the civil code enforcement process, FHI staff has developed its own perception of the process and other groups involved therein. Below is a summary of major concerns reflecting Fair Housing's experience.

1) Tenants themselves constitute a major problem in the housing situation. Because tenants living in poor housing are relatively unsophisticated, they are easily taken advantage of by slum landlords. Typically, recently-arriving Spanish-speaking people have no awareness of rental housing conditions, of rent levels, to whom rents are to be paid, what kinds of housing conditions are legal or illegal. Moreover, because they are Spanish-speaking only, they have inadequate means of communicating their grievances to appropriate City employees, few of whom have any command of Spanish.

2) When FHI brings together a number of tenants from a building for civil action, there is often a high dropout rate as proceedings stretch out over time. Even when FHI has achieved a successful withholding or



receivership action, some of the tenants involved in the group will either stop paying rents or move to another location.

3) Although FHI is a tenants advocate, initiation of its actions hinge upon HID certification of violations. Thus it is FHI's opinion that HID inspections are made far too late after submission of the IR form. When inspections are made, moreover, FHI complains that the HID inspector often does not specify all the violations alleged by FHI. Finally, there is dispute between FHI and HID as to the quality of repairs and certification by HID of completed work.

4) In the few receivership actions handled by FHI, it was found that little could be done with the existing level of rents from the properties. A review of the financial details on several receivership cases indicates that while a large number of repairs may be made as a result of receivership, they are relatively minor and have little permanent effect on either the quality or the operating income of the housing. Indeed, the most that FHI has been able to do with its receivership cases is to hold the buildings together until someone (e.g., BRA, private developer) enters the picture as new owner and rehabilitation sponsor.

d. Boston Legal Assistance Project (BLAP)

Like Fair Housing, BLAP serves a role in civil code enforcement as a tenant aid group. But unlike Fair Housing, BLAP is not involved solely in housing problems. The Boston Legal Assistance Project, sponsored primarily with federal funds through the U.S. Office of Economic Opportunity, provides major low-income areas of Boston with free legal aid in civil matters. BLAP's legal aid techniques include some aspects of the civil remedies outlined in this report.

BLAP acquires its clients from several sources: direct contact from a local tenant in need of help, tenant referral from welfare workers, and occasionally a referral from FHI. BLAP works mainly with tenants desiring relief from rent increases (e.g., action before the Rent Review Board) or tenants desiring help in enforcing code standards through civil action. (in a district court or superior court ) With code violation cases, BLAP assists tenants in completing the IR form which is submitted to HID. Then, HID makes an inspection within a period, according to BLAP lawyers, which takes from one month to a year. BLAP is very careful about soliciting tenants to join in civil action, since such solicitation by lawyers is not authorized. The most common result of BLAP action is to initiate rent withholding in order to gain compliance with housing code standards. BLAP also relies heavily on HID prosecution to correct poor conditions. As with Fair Housing, a case goes rarely as far as receivership.

Lawyers at BLAP are frustrated with the current structure of the civil code enforcement process, mainly because of the role of HID. The following major concluding opinions are cited by BLAP lawyers:

- 1) HID does not involve the tenant at any point in the administrative hearing or enforcement process. The HID method of operation does not permit the tenant to appear at preliminary HID hearings nor does it provide any feedback mechanism through which tenants are kept informed as to what HID is or is not doing about their problems.

- 2) HID is not aggressive enough with code violators and often is inclined to support the position of landlords. HID is generous too often in granting requests for delays and extensions to landlords whose properties are in violations of code.

- 3) HID must be more vigorous in its prosecution of landlords and begin acting in the interest of tenants. Where necessary, HID lawyers should seek judicial review in higher courts.

4) Generally, civil code remedies have not worked because as a single strategy they cannot reach the heart of the problem--massive substandard housing conditions in the city. One civil remedy, receivership, has been suggested as particularly appropriate for public housing projects (Columbia Point), where lack of BHA maintenance has resulted in large numbers of code violations.

e. Boston Lawyers for Housing

As noted at the beginning of this section, Boston Lawyers for Housing is not an actor in the sense of participating directly in the code violation enforcement process. The role of Boston Lawyers for Housing has been to draft and lobby for legislation aimed at relieving poor housing conditions in the city. The difficulty is that such lawyers' groups may not always be aware of the real problems facing the mass of tenants in substandard housing. Thus shortcomings among civil tools may well be based on the fact that civil solutions are not designed within a framework of actual experience. Code violations and the larger problems of substandard housing have been found by this study to be essentially problems between landlords and tenants. Therefore, it would seem that lawyers' groups, such as Boston Lawyers for Housing, should consider involving affected groups (tenants and landlords) in the drafting of civil remedies legislation.

4. Tentative Conclusions

This review of the civil code enforcement process in Boston leads to a number of tentative conclusions, although the analysis deals with only a partial list of findings and observations about civil remedies.

a. Tenants

The unsophisticated nature of most low-income tenants encourages landlords to take unfair advantage of their limitations. Certain black and Spanish-speaking tenants are offered only the worst housing at inflated

rents. The buildings to which they are consigned typically receive little or no maintenance. Therefore, it is the tenant who needs the assistance of organizations like BLAP, Fair Housing, or one of the tenants' councils. Yet, this same tenant is least likely to be aware of these organizations much less know which civil remedy is available to him. Furthermore, without seeming to be critical of some hard-core low-income tenants, the fact is that in many cases better housing conditions would prevail were it not for tenant abuse. Moreover, some tenants are inclined, perhaps with justification, to lose faith in civil actions taken in their behalf. For example, as cases move through the courts and into withholding or receivership, the rent rolls decline either because of non-payment of some rents or because some tenants move out.

#### b. Landlords

In Boston, the pattern of slum property ownership is probably typical of most large cities. A few owners hold a large number of properties but most slum properties are in the hands of small owners (less than two or three properties). For varying reasons, there are owners within both groups who are unwilling to institute minimum maintenance; the large owner because it reduces profit margins, the small owner because it is simply not financially possible. Under these conditions neither criminal penalties nor existing civil remedies are effective in stimulating owners to maintain their properties in accordance with code standards. There is a discernible growing tendency for owners to abandon properties that are affected by extreme pressure either from HID or tenants and which in the owners' view require too much investment for too low return.

#### c. Tenant Interest Groups

Tenant groups have built up numerous frustrations with the use of civil remedies. In the view of those contacted in BLAP offices, if HID does not serve as a real block to a tenant grievance, the courts will. The result is that relatively few cases are resolved through rent



withholding or rent receivership, and for these few, use of such devices have resulted in little significant and/or lasting impact on the housing involved.

#### 5. Other Problems with the Use of Civil Remedies

1) There is a particular need for improved management of properties subject to receivership. In FHI cases, receivership properties are likely as not to pass into the hands of another slumlord after the termination of receivership. After hard-fought legal action and months of making repairs, the building slips back into substandard condition.

2) The State has not made a commitment to providing financing for 6% loans to be used for receivership properties. If substantial rehabilitation of receivership buildings were carried out as the law intended, there might be considerable visible improvement.

3) Aside from federally-assisted concentrated code enforcement projects, no code enforcement program in Boston has as a goal the upgrading of a large segment of the city's housing stock.

#### D. Community Improvement Program

##### 1. Goals and Mode of Operation of the Community Improvement Program

The purpose of this section is to present a broad overview of the operations of the federally-assisted Community Improvement Program (CIP). It is designed to provide information concerning this special approach to the upgrading of housing which may be compared with the more traditional strategies and operating procedures of City inspectional agencies. Thus, this aspect of the report is problem-oriented and should not be interpreted as an evaluation for identifying the strengths and weaknesses of the CIP.

The information presented in this report is based on interviews and field trips with CIP staff from its central office and the Jamaica Plain



site office. About 80% of the staff at these two locations were interviewed. Interviews were not conducted with any of the staff located at the Field's Corner - Ronan Park site office of the CIP. Many of the observations made in this section, however, should be viewed as preliminary findings rather than definitive conclusions.

The general purpose of the Community Improvement Program is to arrest blight before more drastic action, such as extensive rehabilitation or clearance, becomes necessary. Eligible neighborhoods include those that are predominantly residential, have visible evidence that at least 20% of the structures (based on a windshield survey) are in violation of the applicable local housing code, and are to be subject to total compliance with the governing code within a three-year period.

The basic orientation of the CIP is to provide encouragement for the home owner to upgrade his property as a means of eliminating code violations. The primary incentives are grants up to \$3500; loans at 3% interest; temporary freedom from prosecution for code violations; and the construction of selected public improvements with only one-third of the cost charged to the city government to upgrade the surrounding neighborhood. Actual program operations began in May, 1969.

The program operates in the following manner. The properties in a designated area are surveyed and the owners are sent a list of code deficiencies along with an application for federal financial assistance. The inspections are usually performed on a systematic basis although they can be done in response to a tenant or owner request. If the owner repairs his property, it is reinspected and certified as being in compliance with code requirements. If the owner refuses to eliminate the violations, he is subject to regular HID compliance procedures. If the owner would like federal financial assistance (a grant and/or a loan) to repair his property, he returns his financial application to the CIP office. The rehabilitation

specialist then inspects the property and prepares the specifications for the work necessary to bring the property up to code, estimates the costs, and obtains the property owner's approval. The rehabilitation specialist arranges for the selection of a contractor (either the contractor of the home owner's choice or the low bidder). The CIP then processes the grant and/or forwards the loan application to the HUD regional office of the U.S. Department of Housing and Urban Development for approval. After approval, a check is sent to the Housing Inspection Department payable to the owner. The contractor and the home owner thereupon sign the contract to initiate the rehabilitation work. The rehabilitation specialist supervises the actual rehabilitation work and certifies, along with the home owner, that the work has been completed in a satisfactory manner before the contractor is paid.

The operation of the CIP can be discussed with reference to three separate operating divisions: code inspection, rehabilitation and finance, and administrative. As of July 15, 1970, the staff breakdown was as follows:

Code Inspection:	seven housing code inspectors one principal housing code inspector
Rehabilitation:	four senior rehabilitation specialists two junior rehabilitation specialists one designer one contractor's specialist
Finance:	four finance specialists one fiscal manager one legal counsel
Administration:	one deputy program coordinator two community organizers eleven clerks one public facilities coordinator (vacant)

## 2. Code Inspections

### a. Distribution of Brochures

Prior to the visit of the code inspector to a property, it is expected that the home owners will be informed about the nature of and benefits

associated with the CIP. The community organizers hold numerous meetings with local community organizations such as block clubs and church groups. In general, there does not seem to be great difficulty convincing people that they should participate in the program. Before actual rehabilitation work became visible, however, there seemed to be fear among some residents of hidden dangers in "getting something for nothing from the government."

Program operations also call for distribution of the program brochure one or two days in advance of the code inspector's visit. Although experience indicates that most inspectors distribute the program brochures, certain observations point to less than complete compliance with this operational phase. One inspector commented that there were no brochures available; another inspector complained about the need to squeeze this activity between other responsibilities whereas in the past, a specific day had been set aside for this task.

Upon receipt of the brochure some occupants call the CIP office in order to make an appointment with the inspector; many owners and tenants, however, seem to be quite surprised upon the arrival of the inspector. It is not clear whether this surprise is attributable to a failure to distribute the brochure or merely a failure on the part of the occupants to link the inspector's visit with the brochure.

#### b. Inspection Procedure

Each code inspector is responsible for the systematic coding of a specific section of the two CIP areas, with the exception of one complaint inspector who covers both areas. The code inspectors are expected to carry out six dwelling unit inspections per day to determine violations of the State Sanitary Code plus one or two reinspections. At a recent training institute on neighborhood rehabilitation, a recommended quota of four inspections per day was suggested. Most inspectors seem to have some difficulty

meeting the quota of six inspections.

The inspectors all have had some experience in construction and/or housing inspection. The quality of work and commitment of the inspectors seem to vary. Some of the inspectors appear to be quite thorough while others go through the dwelling unit superficially often asking the occupant whether a violation exists rather than looking for himself.

After the occupant answers the doorbell, each inspector has a speech which he makes in order to convince the occupant of his legitimacy. The inspector flashes his badge or a decal on his clipboard; the decal is considered to be less threatening. Inspectors do not seem to encounter much opposition in seeking access to the dwelling units. Upon entry to the unit, the inspector explains the program and the purpose of his visit.

This oral presentation is an important aspect of the entire CIP process. Some of the inspectors stress that their inspection visits are as much "sales talks" as they are inspections--they differentiate between this approach to inspections and one which is merely a search for violations. (It should be noted that the principal housing code inspector, supervisor of all the inspectors in the CIP, has observed that the "sales" aspect of the inspection visit should be deemphasized.) This issue becomes important if there is some concern about insuring that (a) all who are eligible actually participate in the CIP with a minimum of tenant-landlord conflict and owner confusion, and (b) those who participate in the program receive the optimal benefits to which they are entitled, or alternatively, that a minimum level of expenditure per grant or loan is achieved. These concerns will be reflected in the content of the violation notice.

Assuming that the dwelling unit is below minimum standards, two factors will influence the content of the violation notice: the perceptions and decisions of the inspector, and the attitude of the home owner.



The State Sanitary Code and HUD program guidelines leave considerable room for flexibility; thus the inspector may exercise an extraordinary amount of discretion in determining whether a specific condition constitutes a violation.

In addition, recording a violation partially depends on the cooperation and understanding of the home owner. The CIP is designed to correct housing (and some building) code violations. To the extent that the home owner is aware of this factor, and does or does not desire to improve his home, he may encourage or discourage the recording of certain violations. However, the owner usually does not know the amount of financial assistance to which he is entitled or the cost of rectifying specified code violations. Some may not even know that they are eligible for federal grants and/or loans. Thus, there is some chance that the home owner may request that violations be recorded by the inspector (so that he may have them fixed at a low cost) and then find that he is not entitled to as much financial assistance as he would have liked and discovers that he now must correct the violations without loan or grant assistance. Experience indicates that this often happens in the case of an owner-occupied, three-decker frame structure.

Alternatively, the tenant in an absentee-owned building may discourage the inspector from listing all the minor violations as he does not want the landlord to raise his rent. (Or the home owner may not realize that repairs can be made at a low cost.) Unless the code inspector makes it perfectly clear that the landlord may be able to repair the property at a low cost, then the tenant or home owner may be inclined to live with the minor violations and the occupant will make no attempt to insure that all violations are recorded. In addition, of course, the tenant must be convinced that the law will protect him should the landlord attempt to evict



the tenant for "raising trouble with the government."

Thus, the presentation that the code inspector makes to the occupant of the dwelling unit and/or the owner will strongly influence the attitude of the tenant or owner as well as initially influence the content of the code violation report. The extent and importance of this problem, as well as means to mitigate its effects, requires further investigation.

Upon completion of the inspection, if the inspector feels that the building is below minimum standards, he informs the owner directly or the occupant that the owner will receive official notification of the violations along with a financial application necessary for participation in the CIP. The inspectors rarely use a checklist during the inspection; they take notes on a scratch pad and subsequently fill out the formal papers at the office. Each inspector is required to spend from 9:00-10:45 a.m. in the site office preparing the forms covering inspections of the previous day. Some inspectors do their paper work in the evening and prefer to spend this morning period in the field. (There is some question as to how early inspections can be made; at 11:00 a.m., many of the occupants of the dwelling units to be inspected seem to be just arising). Only an occasional inspection is performed in the evening (it is considered more dangerous) and there is a general feeling that the occupants should not have their evenings disrupted by code inspectors. Each inspector works one Saturday each month; this time seems to be particularly productive since the inspectors can visit dwelling units where no one is at home during the normal working week.

### c. Achieving Compliance Through Enforcement

If the owner does not indicate an interest in repairing the code violations, the same procedures apply as if he were in violation of the code in any other part of the city. The CIP, however, does have its own set of

letters which seem to be much less threatening than would be used were there no "carrots" to be offered. In general, efforts to insure compliance through administrative and court proceedings have a very low priority in the CIP.

d. Reinspections

Under the CIP the code inspector is required to reinspect dwelling units either after the owner reports that violations have been corrected or after 90 days. (This limit may be reduced to 45 days.) Some two weeks after the second inspection, if the owner still has not replied to the violation notice, another reinspection will occur in preparation for the initiation of compliance proceedings. As indicated above, these reinspections have received very low priority and there is a backlog of several months on the 90-day inspections. In many cases, due to staff turnover or reassignment, a different inspector handles the reinspection.

Increasing attention is currently (August, 1970) being directed toward these reinspections and compliance efforts. This naturally slows down the rate of progress of the systematic coding efforts.

It should be noted that determining if the condition of the dwelling unit has changed from that reported in an initial inspection does not require extensive training or experience.

e. Complaints

One of the inspectors is working full time on complaints in both CIP areas.

f. Role of the Principal Housing Code Inspector

The principal housing code inspector, who is presently located in the central office, is responsible for supervision of the inspectors and code clerks at the two site offices of the CIP. He is responsible for reviewing and maintaining the following records and operations: inspectors'

daily sheets and weekly reports, site office monthly reports, semi-annual report to HUD, vacant/part-vacant building reports, demolition operations, placarding, vacate notices to tenants, liaison with BRA on relocation, final inspection notices, accident reports, reinspection records, prosecution records, and schedules of hearings.

g. Relationship between Rehabilitation and Inspection

The code inspectors notify the rehabilitation staff as to which owners are interested in financial assistance. If the owner of the building indicates that he would like to participate in the program, a rehabilitation specialist makes an on-site visit to the property. The participation of the inspector does not yet terminate, however.

The crux of this continuing involvement of the inspector revolves around the documentation and definition of "incipient violations". An incipient violation exists when the condition of the dwelling unit indicates that an actual violation may develop within a two-year period. For example, an incipient violation may be a slight crack in a wall which forebodes a larger series of cracks in the near future. Clearly the definition of incipients is even more discretionary than the definition of actual violations.

As noted earlier, one purpose of the CIP is to rectify code violations, including incipient violations. The code inspectors, for the most part, do not list incipients; they do not view this as part of their task. In addition, discovery of an incipient violation may require more knowledge of construction than some of the inspectors may have. An incipient is simply a matter of opinion. Also, the definition of an incipient is closely related to the preferences of the home owner as to the amount of work he is willing to pay for either out of his own pocket or through the carrying charges on the loan, and the degree to which the home owner de-

sires to stretch his loan and/or grant over more than one of the dwelling units in the building.

Thus, the task of defining the incipient violations is actually performed by the rehabilitation specialist and the home owner rather than the code inspector. Unfortunately, the code inspector must still sign the form stating that the incipient violation exists. This causes some tension between the inspectors and the rehabilitation specialists since the inspectors view these definitions as a reflection on the quality of their inspections. Under current policy, the inspectors have been informed by the supervisor that they should sign any incipient forms without any questions.

Once rehabilitation work financed through the program has been completed, the code inspectors are theoretically supposed to inspect the dwelling unit. This task is usually performed by the rehabilitation inspector or the rehabilitation specialist.

### 3. Rehabilitation

Upon receipt of the violation notice, the owner who is interested in upgrading his property has a number of options available: he may do the repair work himself, he may arrange with a contractor to have the work performed using his own resources, or he may utilize the services of the CIP staff, relying on their assistance to secure financing and/or a contractor to perform the work. The following discussion focuses on this latter alternative.

#### a. The Rehabilitation Visit

There is presently (July, 1970) a delay of at least two to three months between the time that a home owner requests a rehabilitation specialist to prepare the specifications for the work and the time that a specialist can view the property. This is the primary bottleneck in the current operation of the CIP.

The rehabilitation specialist is assigned specific cases by the rehabilitation secretary in each site office. A file is maintained of owners who have indicated that they would like rehabilitation assistance and have returned a financial application, which goes to the finance specialist. The rehabilitation specialist then makes an appointment with the occupant and visits the dwelling unit. In some cases, the finance specialist and/or the community organizer has indicated to the rehabilitation specialist the approximate amount which he feels that the owner can afford. (This is particularly crucial in grant or grant/loan cases where the owner can only afford a low additional monthly cost.)

However, when the rehabilitation specialist visits the dwelling unit, neither he nor the home owner is fully aware of the amount of work that the home owner will be able to afford. As noted in the earlier discussion, this affects the nature of the violations that are recorded and the write-up of the work specifications.

The rehabilitation visit is, for all intents and purposes, another complete inspection. On occasion, particularly if the rehabilitation visit is made several months after the original code inspection, the rehabilitation specialist will discover new actual code violations. In addition, depending on how knowledgeable the home owner is, the attitude of the rehabilitation specialist, and the current attitude of federal and local administrators, the rehabilitation specialist will include incipient violations in his work write-up.

#### b. The Rehabilitation Work Specifications

The write-up of rehabilitation specifications serves as the basis of the contract between the home owner and the contractor. For the purpose of evaluating bids, the rehabilitation specialist prepares cost estimates. The preparation of the work write-ups is a complex task. In addition to the trade-offs associated with the inclusion of the incipients, the home



owner's ability to pay, administrative requirements, home owner preferences, and the number of actual violations, the rehabilitation specialist also must insure that his work write-ups are clear and complete so that there will be no future misunderstanding between the rehabilitation staff, the home owner and the contractor.

The rehabilitation specialist is the position in the CIP which requires the most construction experience. The senior rehabilitation specialists prepare the work specifications. The junior rehabilitation specialists inspect the actual work in progress and process home owner authorizations.

The completion of most rehabilitation work write-ups usually requires from two to six visits, which can be quite time-consuming. This is partially responsible for the inability of the rehabilitation inspectors to complete their quota of ten cases per man per month ready for financing. Even were the quota to be consistently achieved, with the current number of rehabilitation specialists in the CIP, it will not be possible to serve all owners' requests for rehabilitation.

Relatively low productivity in rehabilitation has been the subject of continuing criticism. It may be partially attributable to poor attendance and the inefficient use of time. Also, the chief of rehabilitation (responsible for the supervision of the rehabilitation staffs) has a very difficult job in compensating for rehabilitation specialists' lack of skills; it often seems easier for him to correct mistakes in the work write-ups himself rather than return them to the original specialist.

Another factor which causes serious delays in the preparation of the work write-ups is the HUD administrative requirement of detailed estimates for the amounts of material needed in each project. Apparently this requirement has been imposed on the Boston CIP staff and only a few other cities by the HUD Region chief of rehabilitation. At present, errors in

rehabilitation write-ups are the primary reason for the return of loan applications from the regional office.

c. Bids

Once the work write-ups have been completed and finally approved by the home owner, bids are solicited from contractors. Bids are submitted on CIP bid forms in sealed envelopes. The bidders are enjoined to examine the property carefully prior to the submission of their bids.

Until July, 1970, each rehabilitation specialist was responsible for securing a low bid on the projects for which he wrote up the specifications. At the beginning of the summer, this procedure was centralized under a new position of contractor's specialist who is responsible for the entire bidding procedure. This method of operation is expected to: (1) avoid favoritism toward certain contractors, (2) avoid obtaining an excessive number of bids, (3) avoid long time lapses in obtaining bids, and (4) free the time of the remaining rehabilitation specialists for closer supervision of rehabilitation in process.

This change seems to have brought about the desired effects as well as bringing six more contractors into the program. (There are now some 20 contractors participating in the CIP).

The CIP contractor's specialist attempts to match the cases with the specialties of the different contractors. Under the new system, the number of bids solicited for each case has been reduced, thereby increasing the likelihood that a contractor who submits a bid will win the job. When the contractor's specialist receives a bid that is close to the rehabilitation specialist's cost estimates, he approves the contract.

In cases estimated to cost over \$10,000, the CIP must publicly advertise for bids. Because response to these advertisements has been extremely poor, bids for such projects are solicited as above.

d. Relationship Between Rehabilitation and Finance

In order for the rehabilitation staff to reduce the likelihood of the home owner changing his mind (which occurs frequently), it is necessary for the rehabilitation specialist to be fully aware of the amount of work that the home owner can afford. The formal procedure does not take the need for this information into account. Informally, however, several rehabilitation specialists check with either the finance specialist, the home owner, or the community organizer to develop a general sense as to how much the owner can afford. Moreover, the finance specialists have requested that the rehabilitation specialists check with them on any project that will cost more than \$5,000. This is a good safety-valve to insure that the rehabilitation men will not write up the specifications, secure bids, transfer the case to finance, and then discover that the home owner cannot afford the project. The deputy coordinator has indicated that these informal processes are extremely important.

e. Actual Rehabilitation Work and Inspection

After the grant or loan has been approved, the actual rehabilitation work is authorized to begin. Further investigation is required to discover whether there is any delay between the closing of the loan (and/or final approval of the grant) and the commencement of the rehabilitation work.

One rehabilitation specialist at the Jamaica Plain site office is responsible solely for the inspection of rehabilitation work in progress. This inspection function probably requires the most construction experience since the rehabilitation inspector actually operates as the supervisor of the construction to protect the home owner from shoddy work. The rehabilitation specialist in general, and the rehabilitation inspector in particular, have indicated that they tend to give the home owner the benefit of any doubt. For example, if there is a small omission in the rehabilitation

specification, such as failing to note that the mouldings should be painted, the rehabilitation inspector will pressure the contractor to perform this task.

Both the rehabilitation inspector and the home owner must approve the work before any partial or final payment is made to the contractor.

The rehabilitation inspector is in a position where he is subject to the pressures of both home owner and contractor. Although the home owner generally receives the benefit of the doubt, some owners tend to squeeze as much work out of the contractors as possible; they are constantly requesting "little extras." In these cases, which do not seem to be frequent, the rehabilitation inspector will protect the contractor. A rehabilitation inspector must develop a reputation as being "hard but fair". A good man will develop a rapport with both the contractor and the home owner, which seems to be the case in Jamaica Plain.

The Jamaica Plain rehabilitation inspector, who holds Class A, B, and C building licenses, feels that the CIP provides funds that are adequate for high quality work with a reasonable profit margin. In addition, he notes that the quality of the contractor varies extensively; finding competent contractors seems to be somewhat of a problem. Contractors tend to be reluctant to enter the program due to its complex nature.

There has been a little difficulty with the contractors with regard to securing final completion of the projects before the completion date specified in the rehabilitation agreement.

#### 4. Finance

##### a. Relationship Between the Finance Staff and the Home Owner

Along with the copy of the initial code violations, the home owner receives a financial application. He must return this application to the CIP as an indication that he is interested in securing financial aid through the program. A rehabilitation inspector, when able to consider the case, visits the home owner and writes the rehabilitation specifications. When the home owner



and the rehabilitation specialist agree upon the nature of the work to be undertaken, bids are solicited, received, and the contractor chosen, the rehabilitation staff refers the application to the finance unit. The home owner then visits the finance specialist, or the specialist visits the home owner.

At the present time, there does not seem to be much delay between this referral to the finance unit and the time at which finance can initially handle the application. (However, in Jamaica Plain there is a backlog of about thirty rehabilitation cases completed that still require finance processing. This is due to the fact that prior to January, there was only one finance specialist and he was only able to process a few cases.) There are now two finance specialists at each site office.

One aspect of the finance unit's work is the solicitation of verifications of the loan or grant applicant's employment status, savings account balance, credit rating, etc. Originally all of the verifications were requested immediately upon receipt of the finance application. However, verifications must be less than thirty days old when submitted to the federal regional office. Delays in rehabilitation processing resulted in most of the verifications becoming outdated. Now, only the employment verifications are solicited upon receipt of the finance application; the requests for the remaining information are distributed when the work specifications are completed. This problem would be eliminated if there were no delay in the preparation of write-ups.

The finance specialist must quickly secure the trust of the home owners. Some of the participants in the program in the Jamaica Plain area, for example, are first-generation immigrants from eastern Europe and Cuba. They seem to be somewhat fearful about providing personal information to the government. Moreover, some seem to have difficulty in accepting the notion that the



government will give them a grant with no strings attached.

The finance specialists seem to be fully cognizant of the intricacies of the grant and loan process. They apply this expertise to favor the needs of the home owners, often interpreting clauses such as "reasonable financial need" in a very broad manner. They explain to elderly home owners, for example, that if they are planning to leave their children most of their hard-earned, accumulated savings, they should do so before CIP sends out the requests for verifications of home owner assets.

Further study of HUD's regulations and informal policies, along with Boston's implementation of these regulations and policies, will be necessary in order to determine the characteristics of the population that benefit from the CIP. It is possible that the HUD regional office may be able to provide some of this information.

b. Completion of the Finance Forms

The finance staff are responsible for the completion of the loan, grant, or grant/loan application. For example, in the case of a loan application the following forms are included:

Local forms: preliminary finance application and housing cost sheet (for all applicants).

- 1) HUD 6230 (for owner occupied 1-4d.u.) --Application for Renewal Assistance Administration rehabilitation loan, provides information on the characteristics of borrower, costs of rehabilitation, characteristics of the loan (or 6230-A for non-owner occupied)
- 2) Title search report or assessor's letter
- 3) Work write-up and cost estimate
- 4) Official violation notice, including incipient violations and electrical violations
- 5) Contractor's bid and contractor's non-discrimination form
- 6) Contract and schedule of payments

- 7) Copy of bid advertisement (loans over \$10,000.)
- 8) Employment verification
- 9) Mortgage status report
- 10) FHA appraisal or HUD 6232 (As-is property appraisal)
- 11) Credit bureau report
- 12) Home owner's non-discrimination clause
- 13) HUD 6234 bank deposit verification

In the case of a grant, fewer forms are required. In the case of a grant/loan, additional forms are utilized. The following forms are required for a loan closing:

Forms for Preliminary Closing:

- 1.) Home owner letter: (quadruplicate) noting the date and those who must be present at the closing, the amount of the first payment and the address to which it is to be sent, and a statement indicating the necessity for the owner to note that the home is insured
- 2.) Contractor letter: (quadruplicate) noting the date of closing

Forms for Loan Closing:

- 1.) HUD 6240 (duplicate) a truth-in-lending disclosure statement
- 2.) HUD 6241 (duplicate) public body certification of compliance with truth-in-lending law
- 3.) Notice of Right to Rescind (duplicate) to the home owner informing him that he can change his mind within three days
- 4.) Closing Statement (quintuplicate) providing information about the owner, the escrow account, disbursement, etc.
- 5.) Mortgage (quadruplicate)
- 6.) The Promissory Note (quadruplicate)
- 7.) Proceed Order (quadruplicate) to the contractor informing him that he should commence work

- 8.) Contract (quadruplicate), which is the agreement between the home owner and the contractor

Distribution Forms (after the preliminary closing; sent out with some copies of the above forms):

- 1.) Letter to HUD Regional Administrator (duplicate) noting that the loan was settled
- 2.) Letter to HUD Regional Rehabilitation Division (duplicate) noting that the loan was settled
- 3.) Letter to Federal National Mortgage Association (quintuplicate) noting that the loan was settled

Final Loan Closeout Forms:

- 1.) Letter to HUD Regional-Rehabilitation (duplicate) noting that the following forms are enclosed along with the contractor's invoice and the check transmittal letter
- 2.) HUD 6245 (duplicate) certificate of final inspection
- 3.) Disposition of Funds form

The loan applications are prepared at the CIP site offices; the closing forms are prepared at the HUD central office by the staff attorney. Prior to submission of the loan applications to the HUD regional office, they are reviewed in the CIP central office.

A finance specialist requires knowledge of simple accounting. In addition, he must be able to work closely with people. In the preparation of the financial applications he is concerned with personal matters and the risk of offending the home owner is high. In addition, of course, the financial specialist must respect the confidentiality of the information to which he has access.

c. Submission of the Loan Request to HUD

It is not necessary for the CIP to submit rehabilitation grant applications to the HUD regional office for approval although all grant cases are

eventually subject to federal audit. A grant application is usually processed in approximately one week after the rehabilitation specifications are completed. In the case of a rehabilitation loan, however, it is necessary to submit all forms for review and approval to the HUD regional office in New York. When the HUD regional office is moved to Boston (scheduled for September, 1970), the delays attributable to the review process will be somewhat mitigated.

CIP's in some cities process their own rehabilitation loan applications. The Deputy Coordinator of the CIP in Boston has indicated that this responsibility requires highly experienced staff and is extremely difficult to carry out in large programs such as the one in Boston. It is possible that in the future, when the staff becomes more experienced, the Boston CIP will process its own loans.

At present, a critical problem associated with the submission of loan applications to the HUD regional office in New York is the requirement that specific estimates for materials accompany the application. (Relaxing this requirement may facilitate the processing of loan application, although it might also lead to more misunderstanding between the rehabilitation staff, the home owner and the contractor.)

There is some feeling that these regional administrative delays are a result of HUD's desire to reduce the rate at which loan funds are expended. If this is the case, it would seem reasonable to communicate this directly to the CIP staff in order to offset the degree of frustration and unnecessary local staff operations.

## 5. Program Administration

### a. General Administration

The supervisors of the three operating divisions (principal housing code inspector, chief of rehabilitation and fiscal manager) report directly

to the Deputy Coordinator of the Community Improvement Program, who, in turn, is responsible to the Commissioner of the Housing Inspection Department. No one seems to have been designated as overall manager at each of the two site offices. As the program progressed, it became necessary to designate the community organizer in each office as the project manager.

The actual operation of the central management function at each site office has not been studied in great depth. The primary task in the site office is to insure that the cases move from code inspectors to rehabilitation specialists to finance specialists in a smooth fashion. A number of case control notebooks and checklists have been established which enable the interested staff member to discover, relatively easily, the current status of any given case. In general, site office operations seem to proceed with few major interruptions.

As noted earlier, the principal delay in productivity seems to be with the rehabilitation work write-ups. It is not clear whether improved supervision on the part of the chief of rehabilitation will increase the case output of the rehabilitation staff. The chief of rehabilitation spends much of his time in the site offices or on field visits and seems to maintain close contact with his staff.

In contrast, the fiscal manager and the principal inspector primarily work in the downtown central office located in the Quincy Market building. There is some indication that the principal inspector might be able to supervise the inspectors more effectively were he located in one of the site offices. On the other hand, the fiscal manager and the chief of rehabilitation should be located in the central office to facilitate the resolution of problems that are often associated with HUD or city departmental relationships.

#### b. Clerical Staff

Little mention has been made about the critical role that the clerical staff play in the operation of the CIP. A mistake in the preparation



of a code violation report or in a rehabilitation specification write-up can delay a case two to five days. An error in the financial application can result in even longer delays. Some of the clerks have assumed primary responsibility for insuring that the necessary documents are included in grant and loan applications.

The clerical staff is organized by operating division which gives each site office a code clerk, a rehabilitation clerk, a finance clerk and a general clerk. Since CIP activities are quite technical, this basis for allocating clerical staff seems to be the most useful. Violation notices and work write-ups are prepared with a typewriter using a series of pre-punched statements. Thus by pressing a button with the code number of a specific violation or specification, the typewriter automatically prints out the statement. Violations and write-ups are submitted to the machine operator according to these codes. The machine is presently located in the central office. Location of this specialized machine or two similar machines in the site offices would reduce some of the delays associated with the preparation of the work specifications and violation notices. This might also create some difficulties for senior administrative staff located in the central office, however, as it might make supervision and correction of these documents more complex.

Other opportunities for automation include: 1) development of a system that will automatically distribute verification forms and keep track of those that are missing and become outdated; and 2) development of a program that will assist the financial specialist in determining the maximum amount of grant and/or loan for which each home owner is eligible. There is some feeling on the part of some CIP staff that a few of the clerical staff do not work very efficiently. It is not clear whether this factor plays a significant role in delaying the processing of loan and/or grant applications.

c. Community Organizers

In addition to his role of site project manager, the community organizer serves as the primary liaison between the community and the CIP. This role is extremely important during the early phases of the CIP when there is some difficulty enticing home owners to participate in the program. In the early program stages, the organizer attended numerous meetings of local community groups to publicize the CIP. At present, there does not seem to be a critical need for this function.

The community organizer also handles the requests of those owners who call at the site office without an appointment or call on the telephone seeking general information about the program. He serves as the negotiating agent between the bureaucracy of the CIP and the uninitiated and concerned home owner.

The primary qualifications for community organizer seem to be an ability to communicate easily with residents of the CIP area and to maintain a well-developed network of relationships with CIP residents. To the extent that the organizer (and other members of the staff) are known and trusted in the CIP community, it will be easier for the program to attract home owners to take advantage of CIP benefits for bringing their homes up to code. The existence of these positive relationships may further mitigate the enforcement aspects of the CIP.

d. Staff Selection and Allocation

There is widespread agreement that competent rehabilitation specialists, code inspectors, and senior administrative staff are difficult to recruit. In the case of the rehabilitation specialists, extensive construction experience is required. It is clear that persons with such experience could earn substantially greater income in construction work. Often the reason that the rehabilitation specialists work for the CIP is that they are willing to earn a lower income as long as the demands of the job are not great.

Under these conditions it may be difficult to increase rehabilitation productivity drastically by attempting to increase the pace of program operations. To a lesser degree, a similar situation exists with the code inspectors.

Another issue of importance is the possibility of reallocating staff resources from one task to another. It is not clear whether the original allocation of staff numbers as between inspectors, rehabilitation and finance specialists continues to be sound. As indicated earlier, there seems to be a shortage of rehabilitation specialists in the Boston program; this gap could be partially filled through a transfer of existing manpower and/or resources from inspection to rehabilitation. (The amendatory application which seeks to expand the scope of the CIP may provide an opportunity to increase the staff to fill the present need for additional rehabilitation specialists without also increasing the number of dwelling units to the same degree, thus providing a net increase in rehabilitation staff.)

Recently, the Brookline CIP has made job offers to a number of Boston CIP staff. As the Brookline application for federal assistance was only submitted last year, the salaries being offered are much higher than those in the Boston program, which submitted its original application four years ago.

e. Issues Requiring Further Study

Throughout the course of this report a number of issues have been identified that require further study. The following areas of CIP operations deserve additional inquiry:

- Relationship between current CIP operations and the Building Department.
- Potential value of the provision of rehabilitation assistance without the provision of direct federal loan and grant assistance.

FOOTNOTES  
TO  
PART II

- 1 A copy of this form and of other forms identified in the report may be found in Appendix A.
- 2 This survey covered the following areas in the City of Boston: Back Bay, Dorchester, Roxbury, South Boston and the South End. It included interviews with representatives of the following public and private agencies: Boston Redevelopment Authority, Suffolk County Superior Court, Housing Inspection Department, Boston Legal Assistance Project, Fair Housing, Inc., and the South End Tenants Council.
- 3 Section 8A, Ch. 420, Acts of 1967.
- 4 Sections 127C-127J, Ch. 898, Acts 1965.
- 5 Sections 3 and 4(e), Ch. 11, Ordinances of 1970, City of Boston.
- 6 Fair Housing, Inc. discontinued operations while this report was being completed.
- 7 National Association of Housing and Redevelopment Officials, Training Institute in Neighborhood Rehabilitation, June 21-26, 1970 (Boston College, Newton, Mass., unpublished proceedings).





- Current criteria for selecting CIP areas.
- Sector of the housing market for which the CIP strategy is most suited.
- Alternative measures of program performance (internal measures of efficiency).
- Alternative measures of program effectiveness (impact measures which document the changes in the community resulting from the CIP).
- Relationships between CIP operations and the public improvements scheduled to be undertaken in conjunction with the CIP.

### III HEALTH AND HOSPITALS DEPARTMENT: INSPECTION SERVICES

Although most of the efforts of the project staff were directed at studying the Housing Inspection Department, the inspectional services of the Health and Hospitals Department and the Building Department were also reviewed, although in lesser depth. A brief analysis follows of (a) the operation of the inspectional services of the Health and Hospitals Department and (b) the operation of the Environmental Sanitation Division, the major inspectional unit of the Health and Hospitals Department.

#### A. Environmental Inspectional Services - Health and Hospitals Department

The Health and Hospitals Department (H&H) is responsible for enforcing the following provisions of the State Sanitary Code: Article VI (minimum standards for swimming pools), Article VII (minimum standards for bathing beaches), and Article X (minimum sanitation standards for food service establishments). H&H receives complaints either directly or through referral from the Office of Public Service or other City departments. When complaints are received, they are recorded on a special departmental complaint form. The complaints are scrutinized to insure that they are within the jurisdiction of H&H. They are then sorted out according to districts and distributed to the proper inspectors.

Other "special inspections" are generated by mechanical processes, such as applications for permits. The Boston Licensing Board refers a number of inspections to H&H related to its power to issue certain licenses. In 1968 H&H made 82,000 inspections.

If the inspector identifies a violation of the Sanitary Code, he routinely and immediately issues a nuisance notice. This notice stipulates the violation and specifies the number of days given the owner to abate the nuisance. If the violation is serious, it may be an "at once" order, which allows 24 hours for compliance; otherwise the typical period for compliance

is five to ten days. A reinspection is made after termination of the period; if the violation has been corrected, the case is closed; if not, then the inspector recommends service of a legal notice on the owner ordering abatement of the violation within 24 hours. The notice is served by registered mail, and a reinspection is made in 24 hours. If the violation still exists, then a departmental hearing is scheduled. The H&H Commissioner who presides over the hearing may grant a continuance if the situation warrants, in which case another reinspection is scheduled. Should the owner fail to comply at this point, there are three alternatives available to the Commissioner. If the establishment is a restaurant, then the owner's H&H license may be revoked or the Commissioner can take the case to the Licensing Board, which could revoke the victualers license. Either action would force the restaurant to close. The Licensing Board route is generally preferred because it is a shorter procedure taking two or three days.

If an H&H permit is to be revoked, the department must first inform the violator of its intention. When this is done, the affected party is given a week in which an appeal can be made to the State Board of Health. By the time this entire procedure is completed, a month may have elapsed and revocation of the H&H permit becomes a last resort.

When a violator is a market or retail store, the case is taken directly to court and criminal proceedings are initiated.

The vast majority of cases are referred to the Licensing Board while very few cases are either taken to court and revocation of the H&H permit becomes a last resort.

In most instances the only situations which require immediate, 24-hour compliance are cases involving the absence of water, heat, electricity or sanitary facilities.

The types of inspectional services carried out by the Health and Hospitals Department are listed in Appendix B.

## B. Health and Hospitals - Environmental Sanitation Division

The normal procedure of the Environmental Sanitation Division, except for emergencies or special inspections (i.e., day care, beaches, pools, nursing homes, etc.), is shown on several flow charts in Appendix C. Some of the emergency or unusual procedures require additional description. For a complaint of lead poisoning (i.e., made by a hospital or a physician) the Division sends an inspector accompanied by a nurse to test the paint of the building for lead content. After ascertaining that there is lead content in the paint, the case is transmitted to HID as a violation of Section II of the State Sanitary Code.

A night inspection crew, operating in a different district each week and thereby completing the rotation every five weeks, inspects food establishments which are only open or primarily open at night (that is, after 5:00 p.m.). This group works only on Friday and Saturday nights.

There is no inspection, regular or special, of food facilities at major athletic events or at conventions, e.g., hot dog vendors.

There are no longer any laboratory analyses of ground meat, as there are no longer funds available therefor in the City budget; neither does the State perform such analyses. Ground meat seems to be the chief source of code violations. The federal food laws label as unwholesome ground meat containing food coloring or excessive fat.

If unwholesome food is found, it is the duty of the health inspector to dispose of it, or order the owner or operator to dispose of it in accordance with the health laws.

The interpretation of the section of the code dealing with rubbish or trash removal is that the operator has the responsibility to remove or to have trash removed, to maintain the container in a clean condition after it has been emptied, and to keep a tight-fitting lid on it. Although the operator may have a contract with a sanitation contractor to

fulfill these obligations, it is still his responsibility to make sure that the contractor carries out these requirements.

There is no formal or informal program for giving information on public health problems to owners, operators or employees of food service establishments.



#### IV. BUILDING DEPARTMENT

##### A. Organization, Staff and Performance

There are two major divisions in the Building Department--administrative and inspection-technical. A list of the department's position titles grouped according to major program is included in Appendix D.

The average age of supervisory staff is 52; their average tenure in the department is about fourteen years, but the typical supervisor has only about a year and a half in his supervisory title.

The average age of inspectional staff is 47. Inspectors have spent an average of 4.3 years in the title and only slightly longer (4.6 years) in the City service.

About one-third of the supervisors have trades backgrounds (journey-men and masters levels); the remaining supervisory staff have combinations of college and/or technical courses.

Most of the building inspectors are high school graduates and/or have had technical courses; half of the plumbing inspectors and all but three of the electrical inspectors show trades backgrounds. Other inspectional staff were about evenly divided between trade and general high school backgrounds.

The Commissioner indicated that the calibre and competence of departmental employees vary considerably. All positions except that of the Commissioner are covered by Civil Service.

Presently, according to the Commissioner, ninety-five percent of all departmental decisions are made at or below the level of assistant commissioner--about twenty-five percent are made at the assistant commissioner level. This is a reversal of the trend in previous years. The Commissioner tries to get decisions made at the lowest possible departmental levels and reports success in cutting down on appeals through the department. The

Commissioner himself has considerable latitude in determining what constitutes a violation of the codes administered by the department.

Two factors should be noted in connection with this shift in decision-making level: (1) the Building Department lacks the technical capability to evaluate a complex set of plans and basically accepts the word of the registered engineer who signs them;<sup>1</sup> (2) in general Building Department employees hesitate to accept responsibility for approving borderline Building Code questions, preferring instead to let the Board of Appeal make the final decision. This policy causes difficulties for smaller firms engaged in rehabilitation work. Large-scale operators can afford to meet all code requirements. Single and two-family construction usually does not present important problems. However, the small-scale operator with a tight budget and multiple dwelling units, which due to age or condition represent complicated physical problems, can have difficulty. Such a project is too large to ignore and too small to afford complete compliance. If such a builder is unaware of the Building Commissioner's discretionary powers, he can face delays in approval. In general, builders seemed to feel that "normal" work flowed fairly smoothly through the department, especially if one knows whom to contact in each division.

#### B. Procedure

Basic Building Department procedure with plans has generally been as follows: When an applicant, architect, owner, builder, etc. approaches the department with three sets of plans, he is referred to the Fire Department, if he has not already been there, to secure its stamp of approval or amendments first. He may also be told to get Public Works Department (or State Department of Public Safety) approval, if mechanical, street, or related work is involved. This means that a fourth or fifth set of plans may be necessary, since Fire and Public Works each retains a set of plans.

The department has recently begun circulating a letter to all applicants seeking a permit outlining steps necessary to obtain a building permit. It briefly outlines the process involved, and notes the approximate time required for each step.

Public hearings are held only for Board of Appeal proceedings. The Building Department does not maintain on-going contacts with neighborhood and civic associations.

It should be noted that the Building Department is not legally obligated to have Fire Department and Public Works Department approval of plans before it issues a building permit. This is simply an interagency working agreement.

Building Department procedure has been to require that the initial set of plans be specific in structural design before granting a building permit. However, it has allowed mechanical systems to be sketchy at this stage. After the building permit is granted, the developer is supposed to present detailed mechanical drawings to the plumbing, electrical, gasfitting, etc., units, to get their permits. It is this system which makes it impossible to trace the complete course of a building through the department--each of the subsidiary units keeps its own, separate filing system for its permits. At times, for example, subsidiary permits have been issued by cashiers before the inspectional (construction) units have seen plans. Permits can be issued by these units on the basis of sketchy plans.

Particularly for firms constructing small buildings, this process is apparently consistent with the general pattern of the building industry's sub-bidding system. Firms constructing high-rise structures would be foolish not to have complete mechanical design plans at the outset.

The incumbent Commissioner has initiated establishment of a consolidated permit issuance section and has been requiring builders to present specific mechanical as well as structural layouts when they submit initial applications.

This is apparently causing considerable unhappiness in that part of the construction industry which is not accustomed to operating in this fashion.

The Commissioner notes, incidentally, that when the BRA has drawn or reviewed plans, the Building Department accepts them with minimal review. As noted earlier, this reflects what many architects and builders feel to be the real limit of the department's current capability.

There is no systematic liaison with state and federal agencies, except for periodic contact with the State Department of Public Safety. The Commissioner is one member of a group of City department heads (the others are from Law, Real Property, Housing Inspection, Collector-Treasurer, Re-development) which meets monthly to review the status of city-owned (tax title) properties.

There seems to be little regular contact of the Building Department with other City agencies. Although the Housing Inspection Department notifies the Building Department when it suspects the existence of Building Code violations, this is the extent of any violation referral system between the two agencies. Referrals rarely go in the other direction. The Fire Department, Public Works Department, Assessing Department, and the architectural commissions (Back Bay and Beacon Hill) indicated that they receive permit-based information from the Building Department.

The current Commissioner feels that the department's goals can be summed up as follows: enforcement of codes to ensure the public safety and to protect the interest of the builder or investor. He feels that current budgetary allotments are adequate but that personnel may not be equal to the department's present tasks. Thus he prefers not to have any new goals established for the agency under current Civil Service rules until the incumbent personnel are working to maximum capacity.

There is no formal departmental work program in the sense that a determination is made to inspect all of a certain type of building installa-



tion or facility in one given year. Indeed, department officials consider that a systematic approach to inspection would not be effective. The emphasis in the department's work is ensuring the safety of new construction. A secondary emphasis is at the other end of the construction cycle--securing and condemning unsafe structures.

A systematic program dealing with unsafe buildings is in operation. Here, each district inspector keeps a list of "suspect" buildings which are periodically inspected by supervising inspectors. These employees make the determination whether the buildings should come down. The great majority of buildings requiring razing are unoccupied; those that are occupied must go through the formal process of tenant eviction.

Procedures for boarding up vacant buildings usually begin as the result of a complaint. The department can do this immediately if it feels there is some immediate danger. A month's leeway is the usual practice before taking this drastic step. The department notes that most boarded-up buildings are on its list of good prospects for razing, and it prefers not to board unless absolutely necessary.

The department has particular difficulty in carrying out a number of laws governing buildings in poor condition but not ripe for demolition ("middle ground" buildings), e.g., the ownership placard, the provision of tenement house laws requiring locks, etc., which require considerable departmental time, involve extensive litigation, and may be basically unenforceable as written.

Moreover, the department is not sure that it should have any responsibilities under the "true name" law, which requires absentee owners and/or management of multi-dwelling residential property in the city to indicate ownership or management by a sign of prescribed size placed adjacent to the mailbox or on the exterior of the building visible to the public.



It is not placing priority on this law, partly because major attention is currently being given to the improvement of employee performance in other areas of responsibility. The department does not try to identify the real owners of buildings.

Among ongoing programs, or programs the department would like to initiate, are training projects for inspectors and other employees, revision of the Building Code, completion of the new permit issuance procedure and transferring the department's voluminous records to microfilm.

As the study progressed, the importance of the Building Department's permits as basic informational documents became evident. For example, no one can legally build a new building, demolish an existing one, substantially alter existing buildings (e.g., add new units) without a permit of some kind. The data of these permits, if kept carefully and systematically, could be made available to other departments and could serve as a major aid in developing more specific knowledge about the city's housing inventory. The department is aware of needs for this data; the basic problem is dissemination.

The major problem in this department seems to be the ability of its personnel to carry out its inspection function. Whether the solution to this is improved supervision, improved recruitment and training, or wholesale reorganization would require more detailed analysis.

Secondary problems of the Building Department are where to assign the various legal provisions which the department feels it cannot enforce and how best to coordinate its activities with those of other inspectional agencies.



FOOTNOTES  
TO  
PART IV

1

This finding was confirmed by the recent report of the special committee which investigated the tragic collapse of an apartment building under construction. ".....Particularly we believe that improvements should be made: 1. In the methods of assigning responsibility and of ensuring competence in design and construction, including inspection, of major buildings. 2. In the organization and in the staff competence of the Building Department." The Building Collapse at 2000 Commonwealth Avenue, Boston, Massachusetts, on January 25, 1971, Report of the Mayor's Investigating Committee, Part I, June, 1971), p. 70.

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Section 3S, Ch. 14, G.L.

## V. ANALYSIS OF MAJOR ISSUES

The following analysis, which serves as the basis for the recommendations in this report, consists of four sections: (1) a broad overview of the building maintenance function, (2) a series of general guidelines for evaluating the operation of inspectional services; (3) the factors influencing the personnel requirements for departments responsible for housing inspection; (4) an earlier study conducted by the Office of Public Service on a joint inspectional services experiment.

### A. Building Maintenance

Since the focus of this report is on building maintenance, the objective is to keep existing buildings and the relatively small number of new buildings up to the standards of the Building Code and the occupancy and use standards of the State Sanitary Code. Linked to this objective but organizationally separate are the programs concerned with maintaining standards for streets and environmental sanitation. This is essentially the responsibility of the Public Works Department and its inspectors. Excluded are special-use buildings, such as lodging houses, which are usually handled by the Boston Licensing Board.

Powers: The powers which are available to assist the City in reaching building maintenance goals are the criminal sanctions associated with the Building and Sanitary Codes, the civil sanctions for rent withholding and rent receivership, and administrative enforcement processes. In addition to sanctions, there are a limited number of incentives available to stimulate the upgrading of residential buildings. Most of these are associated with the federally-assisted concentrated code enforcement program. They include financial and rehabilitation assistance, as well as technical assistance in certain other areas.

Guidelines for Policy Implementation: With this great variety of powers (sanctions and incentives), a policy is needed to guide the use of these

powers to effect the general goal. Factors that may be used as operating guides because they bear directly on housing conditions include the housing market, type of ownership, mobility of residents, percentage of residents with some kind of rent supplement. It might also be useful to identify factors dealing with type of construction and housing subsidy, noting which, if any, contribute to more effective implementation of policy. Obviously the interdependencies between a violation-oriented and a construction-oriented strategy must be clearly articulated.

Housing Quality Standards: The complexity of adopting strategies and procedures necessary to handle various aspects of the housing crisis, even in this crude form, shows that housing quality standards are not easy to enforce. Although the general goal is to maintain existing buildings in accordance with prevailing minimum occupancy and use standards and to insure that new housing meets relatively high construction standards, it is not at all clear whether even minimum standards can be used in the more difficult rent receivership and abandonment cases. Here, the standard to be used may be one under which it is conceded that the housing itself may never reach strictly prevailing legal criteria, but rather that it should be held at less than code standard but at a decent level until adequate housing can be provided for the present occupants. Creating a supply of housing which will permit a return to complete compliance with code standards is a goal of the City's development function.

Recommended Changes of Procedures: 1. A new concentrated yet comprehensive complaint form should be made ready to handle all violation-oriented complaints.

2. A more complete and systematic record system should be set up, and the records should be in machine-readable form.



3. The code administration process itself should be substantially changed: a) reinspection procedures should be made more formal; the first appeal should be heard by a departmental staff person not directly involved in the original inspection findings of code violation; b) the administrative hearing should be converted into an adversary hearing; it now resembles a grand jury considering an indictment. This could be accomplished by having the tenants or the complaining party invited to participate in the hearing.

Changes in procedure are most needed in the Building Department which now uses a process that is cumbersome and slow.

New Organizational Structures: Analysis of the processes of the several departments shows that most inspections are now done on structures by staffs of the Building Department, Housing Inspection Department, or the Environmental Sanitation Division of the Health and Hospitals Department regarding the Sanitary Code or similar sections of the Building Code. This suggests that an Inspectional Services Department responsible for supervising the maintenance of buildings in Boston would best serve this function rather than the three separate departments now in existence.

This new department should take into account the need

- to oversee all building maintenance functions from new construction through abandonment and demolition;
- to establish an appeals structure which permits the participation of affected tenants and their tenants as well as property owners;
- to insure that the required specialists are attached to appropriate sub-units;
- to minimize Civil Service and union problems.

There are two alternative approaches to such a reorganization: the general inspector approach and the functional approach. Under the

former basis of organization, all general-type inspectors who are now in the Building, Housing Inspection, and Health and Hospitals Departments would be integrated into one inspectional pool which would be augmented by such specialists as electrical and plumbing inspectors, financial and rehabilitation specialists, etc. Under the functional or divisional approach, the rationale is that new construction and substantial rehabilitation (from the studs out) is substantially different from building repairs and maintenance involved in upholding standards through the code enforcement process. Construction would be handled by one division (probably the present Building Department) and a building maintenance division would administer violations of both the Sanitary and the Building Codes but act more in the role of a services agency with performance objectives similar to those being pursued by the project teams operating in concentrated code enforcement areas rather than as a regulatory or violation-correction agency. Thus, for example, the financial and rehabilitation specialists would be attached to the building maintenance division.

Some of the major difficulties with organizing a new group of general-type inspectors are the employee union and Civil Service requirements. HID employees belong to three unions; employees of the Building Department have two. If the City of Boston wanted one class of employee such as a housing inspector to merge with another class such as some of the general types of building inspector to create a new class of as-yet unnamed general inspectors with new job specifications, one can foresee that the two unions currently representing employees to be merged would likely resist this change for reducing their membership base. It is also foreseeable that the unions might not view favorably any attempt of the City to apportion newly-created positions among contending unions in proportion to present membership. Such attempts to allay a squabble would likely be seen as a solution

imposed from above which is in violation of a self-determination principle organized labor holds dearly. Labor disputes, though they should not prove fatal to reorganization, might prove a snag which would delay implementation. The rigidity of Civil Service requirements can also be a serious obstacle to change.

There are several difficulties with the divisional approach:

1. It retains the essential nature of the Building Department, the performance of which has been under continual criticism.
2. Keeping the Housing Inspection Department virtually intact by giving it divisional status would mean retrogression to a former unsatisfactory organizational arrangement which predated independence for the housing inspection function. Experience also indicates that enforcing the Sanitary and Building Codes can best be carried out on an integrated basis which would be difficult under a divisional approach. More complicated inspections require specialized training, which many present inspectors do not have.
3. It requires supplementary training in specialized areas of building construction and enforcement of the Building Code, but so does any approach.
4. Closer relationships would be required with the electrical and plumbing specialists now in the Building Department's construction unit.

Another complication of a reorganization along divisional lines is that building permit requests would first go through the City's zoning agency (now in the Boston Redevelopment Authority) for a determination of zoning aspects of the application. Then they would go to the new construction division of the department. Appeals from the City agency responsible for development and appeals from the denial of a permit would go to the Board of Appeal since most denials involve zoning problems or changes in the Building Code.

Both approaches contain an appeal procedure which would insure that appeals would be heard by public officials not involved in the original inspection. After the initial inspection, if there were a disagreement, it would quickly be adjudicated through an informal appeals procedure involving a senior supervisor and some outsider, perhaps selected from the OPS staff. They would review the property once more and make a new determination. If there were still disagreement, the process would become more formal: an adversary-administrative hearing would take place, again as quickly as possible. At this time, all the parties of interest--manager, tenant, owner--would be invited to attend and to testify. The final decision at the administrative hearing level would be rendered by an administrative tribunal consisting of a senior OPS staff member, a senior member of the central staff of the building maintenance agency and a completely independent person.

#### B. Consolidation for Operation of Inspection Services

By and large there is no great difference between the expertise needed to be an inspector of the use, occupancy and maintenance of housing and the expertise required for other facilities governed by the State Sanitary Code, except perhaps for construction and major repairs.

There are in all the departments reviewed within this study specific tasks which do require specialized knowledge:

Health and Hospitals -- swab tests, pollution tests, etc.

Housing -- rehabilitation

Building -- plumbing, electrical, gas and pipefitting (construction)

It seems more important to have one inspector with the power and responsibility to inspect housing (for all violations), food service establishments, and alleys (for rubbish) than to maintain the seemingly arbitrary distinctions of jurisdiction among the existing agencies.

Before going into any details of how functions might be combined, the criteria for a different combination of activities within the proposed



new department might be listed.

1. There should not be a confusion over jurisdiction between departments, e.g., alleys between restaurants and residences, garbage pickups.

2. There should not be a distinction between different parts of the same building, e.g., dwelling units located over a commercial establishment.

3. There should be a consolidated record of ownership and condition of all parcels of land.

4. Buildings should not be subject to change of administrative jurisdiction because of a change in condition, e.g., lead poisoning or fire damage.

5. An inspector should be able to initiate action concerning any problem he identifies whether it is within the present legal jurisdiction of his agency or not:

If he observes standing water while inspecting for fire damage, he should be able to enforce the Sanitary Code.

If he identifies an egress violation which is covered by the Building Code while inspecting an apartment for housing code violations, he should be able to take appropriate action to enforce the egress provisions of the Building Code.

If he is inspecting the garbage disposal practices of a restaurant, he should have responsibility to report violations of the residential unit on the floor above the restaurant for garbage disposal and other provisions of the State Sanitary Code.

If he notes that garbage is not being picked up, he should have jurisdiction over the garbage collection contractor just as he has jurisdiction over the owner in ensuring that the latter provides proper containers or that the tenants use them properly.

The following are several specific suggestions for changes in City inspectional services policies. Drawn from interviews with various tenant



organization groups in Boston, they deal primarily with procedures for strengthening the tenant's relationships with City inspection agencies.

New or Increased Services to the Tenant:

1. Both BLAP and FHI favor more consistent efforts on the part of the inspection agency in arranging for inspection appointments. After it is determined that a premises must be inspected, the assigned inspector should:

- a. Telephone tenant in order to set up an inspection time when the tenant will be home.
- b. If the tenant cannot be available, make arrangements to leave a key with a neighbor or tenant-designated representative.
- c. Follow a similar procedure on reinspections.

2. Tenants' interests in the enforcement process should be represented by either:

- a. Restructuring the administrative hearing to include tenant, landlord/manager, and hearing officer. This could be done along the lines of Board of Rent Appeals and perhaps be conducted in the various Little City Halls.<sup>1</sup>
- b. Issuing the tenant some written record, free of charge, of the inspection agency's administrative decision affecting the landlord. Accompanying this record should be some notification as to how the City inspectional agency intends to pursue the case.<sup>1</sup>
- c. Insuring that mark-offs of violations are made properly, allowing the tenant five days to protest a mark-off to the inspection agency if he feels that violations have not been corrected.

3. In lieu of these suggested changes, the proposed new inspectional agency should observe the following minimal procedures:

- a. Inform the tenant of the time of inspections.

- b. Upon issuance of a legal complaint notice to the landlord, send a free copy thereof to the tenant. The legal complaint form should also be redesigned to include whenever warranted the legal phrase: "It is hereby stated that said violations may endanger or materially impair the health or safety and the well-being of any tenant therein or occupying said property."<sup>1</sup>
- c. Issue to the tenant, free of charge, a record of the departmental hearing decision and written indication of what the inspectional agency plans to do about the violations.
- d. Inform the tenant of the time of reinspections.
- e. Inform the tenant when violations have been corrected.<sup>1</sup>

3. A new group of inspectors to be known as Community Service Inspectors should be recruited (including black and Puerto Rican applicants) and trained as "generalist" inspectors qualified to administer the Sanitary Code and to identify, for purposes of referral, violations of the Building Code. The orientation for the training curriculum of these inspectors should be that they will have the responsibility to administer the several codes affecting all housing they inspect. This means that until a landlord has repaired or removed all violations on the premises in question, no final release of the case will be allowed.

Changes in Policy for Inspectional Services Agency:

1. The inspectional agency should encourage a policy of preventive maintenance by property owners. Under this policy, inspectors would issue notices on any incipient violations they uncover, warning the landlord that he has an incipient code violation and that if it is found subsequently to be an actual violation, he will face a substantially greater penalty than would otherwise be meted out for code violations. Adoption of this recommendation may require legislation.

2. The proposed new Inspectional Services Department should investigate the past effectiveness of the rent receivership strategy and test alternatives

for its future application. All interested community groups (BLAP, FHI, Roxbury Multi-Service Center, etc.) should participate in this evaluation process. If considered feasible, the new department should apply to the State for either direct funding or access to loans at low interest rates to finance rent receivership cases. With State money assured, the City inspection department could:

- a. Working cooperatively with a landlord, bring a building into receivership and arrange for repairs that would range from a minimum of compliance with code standards up to complete rehabilitation. This activity might be handled by the department's Community Improvement Program.
- b. Failing landlord cooperation, use its power under State law to have the superior court appoint the inspectional agency as receiver for the property in question. In this way, the new Inspectional Services Department would acquire a new tool for bringing up to code many dwelling units in Boston that are currently substandard.

## C. Housing Inspection Personnel Requirements and the Proposed Reorganization

### 1. Introduction

The following analysis focuses on potential obstacles to personnel transfers that might be required by a consolidated Inspectional Services Department, with staff drawn mostly from the Housing Inspection and Building Departments and possible personnel from the Public Works, Health and Hospitals and Fire Department, and the Licensing Board. Emphasis in this analysis is on institutional factors--unions and Civil Service--rather than on personalities.

The two major institutions affected are zealous in guarding job security. Changes which may be perceived as threats to existing jobs and/or to the reduction of promotional opportunities must be carefully considered.

## 2. Union Agreements

There are four union agreements covering employees of agencies that may be consolidated into a single department. By agreement with the City each union is designated as the "exclusive representative" of the named classes of employees "for the purpose of collective bargaining relative to wages, hours and other conditions of employment". These agreements terminate June 30, 1972.

a. In the Building Department, electrical inspectors have their own union and a separate agreement with the City. Since no consideration has been given to changing the nature of electrical inspectors' work, their agreement with the City should present no difficulties.

b. All inspectors of the Housing Inspection Department--both housing inspection and environmental sanitation inspectors--as well as the housing inspector hearings officer are covered by a collective bargaining agreement effective July 1, 1969 between the City and the Boston Environmental Sanitation Inspectors' Association. Two AFL-CIO affiliated unions cover the remaining employees.

c. Local 285, United City, County and State Employees Union (Building Services Employees International Union, AFL-CIO) represents, among others, the nine clerical employees of HID and Licensing Board personnel. The latter are only peripherally important to consolidation and reorganization since the Board's only significant housing function is the licensing of lodging houses.

d. Most employees are represented by the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME). Of the departments under review, employees of Public Works, Health and Hospitals and Fire Departments, the Weights and Measures Division of HID, and the Building Department (excluding electrical inspectors) are within AFSCME's jurisdiction.



### 3. Union Difficulties

Each agreement contains an article which is designed to preserve the City's management rights, of which the following language is a prototype:

The Municipal Employer shall not be deemed to be limited in any way by this Agreement in the performance of the regular and customary functions of municipal management, and reserves and retains all powers, authority and prerogatives...

The above clause does not appear to give the unions strong legal grounds for objecting to the City's decision to reorganize. There is doubt whether a fundamental reorganization would be interpreted as "regular and customary" functions, while an employee's changed duties attributable to reorganization might be considered within the definition of "conditions of employment" for which the union is expressly designated as exclusive collective bargaining representative. On the other hand, it is unlikely that agreements with the unions could effect a freeze on the current arrangement of departmental organization.

It is the existence of these agreements rather than the terms contained therein which presents difficulties to consolidating departments, transferring individuals from departments, and changing job specifications. Four unions, each with its own turf to protect, can be expected to resist any changes which might alter their positions either absolutely or vis-a-vis each other.

The proliferation of unions is bound to lead to jurisdictional jealousies. Changing the job requirements within a new department might generate many more union squabbles than the simple consolidation of existing departments without affecting job titles and job specifications. If changes were to be effected only by bringing existing agencies under a larger umbrella, jurisdictional frictions would be minimal, since there is ample precedent for groups of employees within a single department being split between two or more unions. HID, for example, is already divided among three unions.



If the City's objective is to merge one class of employee, such as a housing inspector, with another class, such as some positions of building inspector, in order to create a new class of general inspector with new job specifications, this presents a greater difficulty, as previously indicated.

#### 4. Civil Service Laws

The basic Civil Service Laws of the Commonwealth (found mainly in Chapter 31 of the General Laws) extend a great deal of discretion to the Civil Service Commission and its administrative head, the Director of Civil Service. Court interpretations of Civil Service laws indicate that exercise of this broad grant of discretion by the Director and the Commission have been consistently upheld. Thus, cooperation rather than questioning the Commission's authority to make seemingly arbitrary decisions is a preferable tactic for dealing with the Commission and its Director.

The Civil Service laws cover qualifications for appointment to, tenure, promotions and transfer within, positions in the classified service. Most of the positions in Boston's regular departments are covered by Civil Service. In the departments under consideration in this study, positions below the rank of Commissioner are under Civil Service jurisdiction.

The appointment process is initiated by the appointing authority, (AA hereafter), a City department head. He recommends the specifications and qualifications for a new position and submits them to the Director of Civil Service for approval. The Director may disapprove these requirements, and if alternative specifications are not submitted to the Director within thirty days, the latter may establish the specifications for the position himself. Review of communications between the Division of Civil Service and one City department (Building) indicates that the standard operating procedure is for the Division of Civil Service to use existing specifications as the framework for revisions and the specifications for similar

positions as the guidelines for defining new positions. As a consequence, if an AA seeks to establish more strict, more lenient, or markedly different qualifications for a position in order to advance a changed kind of operation, he may be frustrated by the Director's disapproval.

The Director is empowered to establish educational requirements covering any position for which, in his opinion, such educational requirements are essential. He is bound, moreover, by any laws which expressly require any educational requirements. He may, however, in the exercise of his discretion, establish substitutes for education where "advisable and proper".<sup>2</sup>

When an AA has a vacancy to be filled, he submits a requisition to the State Division of Civil Service. If a valid certified list exists, the Director notifies the AA that he must appoint from this list of eligibles in accordance with veterans' preference priorities for certification. If no list is available, the Director arranges for an examination. If a candidate meets the entrance requirements established by the Director, he is eligible to take the examination. A list is prepared after the examination, and the results certified to the AA. The AA may interview candidates as part of the final appointment process. Rejected candidates may exercise a right of appeal to the Commission.

Promotions are handled in a similar manner, except that veterans do not receive absolute preference. The AA, with the approval of the Director, has four options for making promotions: non-competitive qualifying departmental promotions, competitive departmental promotions, inter-departmental competitive promotions, or completely open competitive examinations. If any of the latter three alternatives are exercised, the procedure is similar to that covering entry appointments.

Other pertinent provisions of the Civil Service laws likely to affect departmental reorganization are quoted below.

TRANSFER:

Any person who has been permanently appointed in accordance with the civil service law and rules may, after application in writing to the Director by an appointing authority and with the consent of the Director, be transferred to another similar position, provided the appointing authority submits sound and sufficient reasons, in the opinion of the Director, to show that the transfer will be for the public good and will not impose unreasonably hardship on the employee to be transferred. No position shall be considered similar which is higher in grade or for which there are substantially dissimilar requirements for appointment...

Any person aggrieved by any such transfer may appeal to the Commission... (Emphasis added).<sup>3</sup>

TENURE; DISCHARGE, REMOVAL, ABOLITION OF OFFICE, (ETC.):

(a) Every person holding office or employment under permanent appointment in the office of labor service of...the city... shall have unlimited tenure of office or employment, subject to the provisions of this chapter and the rules made thereunder. He shall not be discharged, removed, suspended, for a period exceeding five days, laid off, lowered in rank or compensation, without his consent in writing, nor shall his office or position be abolished, except for just cause and for reasons specifically given him in writing...<sup>4</sup> (Emphasis added).

If a position is abolished, affected personnel are to be put on a re-employment list with the highest priority of employment by other departments needing personnel with similar skills.<sup>5</sup>

5. Civil Service Rules and Regulations

The Commission, subject to the Governor's approval, is empowered to make and amend rules and regulations, not inconsistent with the General Laws, for the conduct of the Civil Service system.<sup>6</sup>

Two Civil Service rules made pursuant to this grant of authority flesh out the Director's power to dictate the qualifications of employees.

One rule provides that the Director may fix height, weight and minimum age limits for positions, unless otherwise fixed by law,<sup>7</sup> and may require any special qualifications for any office or position. None of the positions in the departments being considered has height or weight restrictions. The only age minimum is a requirement that elevator inspectors--for reasons unknown--must be at least twenty-five years old. Other age

limits are only by implication; some positions require certification or licensing which, in turn, demand specified periods of training. The Director's authority to set special qualifications would be a barrier if he disapproved of the City's reorganization plan and the job specifications and qualifications deemed necessary to implement the plan.

Another rule that might affect the recommended reorganization defines "examination" to mean "a written and/or practical test and an evaluation of experience or of training and experience." <sup>8</sup> Civil Service tests typically weight the written or practical test at 60 percent and training and experience at 40 percent; an examinee must receive passing grades in each category. The Director's power to give candidates less than passing grades in training and/or experience despite credentials which are acceptable to the AA but in conformance with the standards set by Civil Service can be a major stumbling block.

#### D. The OPS Inspection Services Experiment

##### 1. Purpose

Below is an analysis of an experimental project designed to improve the delivery of inspectional services by the City of Boston. It describes the experiment and evaluates its operation, citing the reasons for its current administrative difficulties and tenuous future.

##### 2. The Inspectional Team Experiment

Municipal inspectional service agencies are responsible for enforcing standards applicable to the maintenance, safety, use and sanitation of a variety of public and private facilities. Six municipal departments perform some kind of inspection related to such enforcement: Building, Fire, Health and Hospitals, Housing Inspection, Police and Public Works. It has been the contention of the Mayor's Office of Public Service that some of the operations of these departments are duplicative--both in procedures and responsibility. (For example, two departments conduct title searches, three



departments are authorized to inspect housing, while three departments may prosecute for garbage disposal violations.) Inadequate interdepartmental coordination also results in duplicating inspectional schedules. At the field inspection level, the range of interest of each inspector seems to be rigidly delimited by the legal jurisdiction of his department's enabling code. Consequently, he is not likely to recognize or report any violations which are within the purview of another department. This failure to achieve any reasonable degree of interdepartmental coordination characterizes the overall administration of inspectional services.

Therefore, in April, 1969, OPS was authorized to undertake an experimental project seeking to remedy these presumed difficulties. A team consisting of veteran inspectors representing each of the six departments was established in the South End Little City Hall. The overall target of the team was to consolidate and improve all inspection services within the South End.

### 3. Cautions for Interpretation

Three deficiencies in information limit the analysis of the relative effectiveness of the inspectional services team demonstration: (a) the environmental conditions against which to compare existing inspectional systems with those used in the experiment are not known: (b) there has been no evaluation of the current inspection system; and (c) neither the operations nor the impact of the inspection experiment have been documented. Therefore, the experiment can only be described and evaluated on the basis of interview and impressions drawn from a limited number of documents.

Below are comments on the operations and results of the experiment made within the limitations noted above:

a. The objectives of the experiment were obscure. Only now are conflicting preconceptions on its purposes beginning to surface.



1) Members of the OPS staff were hopeful that the experiment would be a prototype for a program of general-type inspectors, staff competent in the substantive aspects of the codes and the violation procedures of all six agencies.

2) An OPS supervisor of the project was concerned about the distinction between formal and extra-legal violation procedures in each department. In its role of handling public inquiries, OPS is responsible for guiding residents through the normal complaint procedures of the operating departments. But more rapid means for enforcing violations are commonly available. It was therefore contended that OPS personnel should also be aware of these alternatives for handling cases. The team supervisor surmised that OPS would learn about (and have better access to) these alternate procedural routes by giving the inspectors participating in the experiment both a forum for cooperation and some autonomy from their departments.

3) Another OPS staff person, responsible for laying the groundwork for the team experiment, was exclusively if somewhat vaguely concerned with improving the responsiveness of inspection services to the community.

b. Not only has the team project been crippled by a lack of definition and clear-cut objectives, there was no firm conceptualization of inspection being performed as a public service rather than a police function.

1) First, the individual team members have not in fact functioned within the same area. Department heads have not fulfilled their original commitments to establish their team inspector with exclusive and independent jurisdiction in the project area. A comprehensive survey of the area might have provided the team with uniform knowledge about area conditions and thus expedited coordination of the team inspectors' jurisdictions.

2) A second reason for concern is that the problem of assessing Boston's inspectional services system requires some analysis of the relationship between the existing condition of facilities and programs intended to correct these conditions. To accomplish this through regular departmental routines instead of through a special survey would require legislative revision of the codes to broaden the responsibilities of inspectional agencies to cover structures and areas not defined in their respective codes. At present, most inspection of housing is done exclusively by complaint and referral.

c. There was inadequate documentation of housing and environmental conditions in the neighborhoods within which the inspectional services demonstration program was to operate. The potential significance of such a documentation problem might be substantial or not, depending upon whether the program is intended to remain relatively small geographically (e.g., confined to a neighborhood such as the South End) or whether the program is to serve ultimately as a prototype for a city-wide inspectional service system.

In the first case, it is entirely possible that given a geographic jurisdiction of manageable size, the documentation problem could be overcome. In the course of the demonstration program under discussion here, the inadequacies of data were not rectified partly because department heads did not meet their original commitment to provide their team inspectors with exclusive and independent jurisdiction in the demonstration project area. Individual team members did not function in the same area. This difficulty could be eliminated in future programs through a comprehensive survey of the project area which would provide uniform knowledge about area conditions for all team inspectors.

If the documentation problem is considered in terms of the usefulness of the demonstration program as a possibility for a city-wide in-

spectional service system on the other hand, its significance is potentially more substantial. To analyze thoroughly the relationship between existing housing conditions and the programs designed to remedy deficiencies in these conditions would probably require more comprehensive action than a special survey, e.g., legislative revision of the codes to broaden the responsibilities of inspectional agencies to cover structures and areas not presently defined in their respective codes. At present, most housing inspection is handled exclusively by complaint or referral, leaving a vast portion of housing stock conditions undocumented or untouched by inspectional service activities.

d. Since neither the objective of inspectional services nor the conditions against which to assess it are clear, the criticisms of the current inspection system have not been solidly-based nor systematically developed. Duplication is undoubtedly characteristic of these services, but no one knows to what degree or in what form. Consequently, there is no consensus on the specific objectives of the inspectional team nor on the criteria around which to develop a coordinated program.

e. Finally, no technique was devised for evaluating the experiment, either with respect to the responsibilities or to the inspection system it was attempting to reform.

f. The experiment has been judged a success by its participants because the "details" of community life are, for the first time, receiving close attention. But it was not as a regular operating unit that this success was attained; it was as an ad hoc task force bearing the prestige of an OPS experiment and an association with the South End Little City Hall. The staff members found new access to responsible officials in all municipal departments. Although formal intra-team communication remains non-existent, informal operating relationships to solve specific problems between

each team member and established public agencies opened up as the experiment progressed. This approach seems elementary but accomplishing it has apparently been a substantial innovation.

g. The experiment has also run into a number of difficulties. There are three reasons for this: the threat felt by departmental hierarchies, the participants' apprehension over their career security, and personality clashes among members of the team.

1.) The experiment is viewed by some departments as a power threat. Whatever the character of their operations, some agencies fear that if the demonstration is successful, the structural reform that may result will usurp one of their major functions and sources of political leverage. The striking example is that of the Building Department. The Building Department representative on the team came from a ward assignment in Dorchester. He experienced two major constraints: he was not to duplicate any of the duties of the five or six building inspectors whose wards were included in the team's jurisdiction; and his reports were not to go through normal departmental channels, but instead directly and exclusively to the Building Commissioner's desk. In other words, the team's direct access to the Building Department was severed.

2.) The political realism of the team's veteran inspectors has fueled apprehensions over career security. The awareness that this is an experiment makes it incumbent upon the participants to continue to defer to their departments in any question of conflicting loyalty. The inspectors must have more confidence in the team's status before they can take full advantage of its operational flexibility.

3.) Personality conflicts are characteristic of team operations. In the Building Department, for example, there was a tendency to blame the departmental representative on the team for all mishaps of the project.



The result has been to distort the evaluation of the team. For example, apparently team referrals for boarding up vacant buildings do not go to the Building Department. Instead, these are sent to the BRA, which has neither the authority nor the experience to handle them.

h. The South End Little City Hall staff reports that the response of the inspectional departments to community problems has become more accelerated and more sensitive since the inspection team moved into the South End. Most notably, regular meetings with community workers of the Boston Redevelopment Authority have been used by residents to voice complaints which have then been referred to the team. While management analysts may shudder over the experiments' deficiencies or scorn its unconventional pattern of operation, the neighborhood feeling that the City was responding positively cannot be overlooked. If the team has proven beneficial to the community, no evaluation of its operation should overlook this service aspect, however much it could be improved upon.

## 5. Recommendations

The inspectional services team has suffered from the lack of data and the absence of firm conceptualization. These deficiencies cannot be corrected without further analysis. However, the following six steps, if implemented, should assist not only planning inspectional service programs of higher quality to be conducted under normal departmental procedures but would improve experimental efforts in the South End.

### a. Public Service Objective

Precise definition of program objectives is essential before any substantive evaluation of the housing inspectional services function can be made.

OPS staff members on the inspection team and participating team inspectors from each department must clarify such fundamental issues as:

- (1) choice of a preventive maintenance or a rehabilitative orientation, or some mix of both;



- (2) enforcement of minimum standards of public safety in housing facilities or the promotion of higher standards through the incentives of publicly-subsidized residential improvements;
- (3) recognition of community preferences relative to housing standards and conditions or support for professional values and technical standards.

A second but equally essential step must be taken in deference to community opinion about inspectional services. The inspectional services team and OPS should meet with representatives of citizens' organizations to discuss their concepts of housing inspection objectives. These deliberations should include representatives of the South End Project Area Committee (SEPAC), the residents advisory body on renewal for that area, and one or two more local groups from the neighborhoods with demonstrated concern and experience in housing safety, maintenance, and sanitation problems.

#### b. Current Procedures

Most of the research on inspection and violation procedures used in the team experiment was completed by OPS summer interns in 1969. What remains to be done is to standardize them as to format and content.

#### c. Conditions in the Team Area

A complete survey of the South End jurisdiction should be undertaken by the team, as a unit. This field research must be far more detailed and current than procedures used by the U.S. Census or the BRA to collect data about building conditions. Maps showing the data should be produced from this survey, but close communication must be maintained among members of the team in order to maximize the training and informational advantages of this effort.

#### d. Analysis of Current Inspection System

Any experiment can only be designed on the basis of a full understanding of the system it attempts to improve. The timing and geographic

coverage of regular inspections by each department in the South End must be subjected to comparative analysis. Past efforts should be scrutinized in order to delineate "duplication" or "inefficiencies". The data can be collected through review of existing records and interviews but such a penetrating analysis requires considerable political support.

e. Objectives of the Team Experiment

The vital task of defining the objectives of inspectional services reorganization requires far more than technical alignment of building characteristics with inspectional capabilities, and community needs with departmental procedures. The results of the preceding analysis require evaluation and implementation within a well-disciplined but imaginative framework.

f. Evaluation of Inspection Team Practices

The team's activities must be documented not merely in terms of the speed with which cases are handled, but also with respect to such concerns as the extent to which each inspector uses the resources of other City departments, the scope of his inspection work, the sensitivity of the team to community requests and opinions, and the procedural routes and problems involved in processing team violation reports through the appropriate departments.



FOOTNOTES  
TO  
PART V

- 1 Subsequently adopted as recommended or in modified form by H.I.D.
- 2 Section 2A(d), Ch. 31, G.L.
- 3 Section 6A, Ch. 31, G.L.
- 4 Section 16A, Ch. 31, G.L.
- 5 Section 43, Ch. 31, G.L.
- 6 Section 46I, Ch. 31, G.L.
- 7 Section 3, Ch. 31, G.L.
- 8 Rule 6.2.
- 9 Rule 20.

## VI. CONCLUSIONS AND RECOMMENDATIONS

Conclusions and recommendations in this report may be grouped into two series. The first group of proposals focuses on the restructuring of the Housing Inspection Department administrative hearing and on revisions in housing complaint procedures and inspection procedures. The second category of proposals deals with major reorganization of inspectional services and are in the form of a memorandum from the Office of Public Service to the Home Rule Commission.

### A. Proposal for Restructuring the Housing Inspection Department's Administrative Hearing

A model for a new administrative hearing procedure is recommended. Several factors are taken into account in the suggested form for this hearing.

1. Widespread tenant dissatisfaction with the current hearing process, which like the entire HID code enforcement system, now provides only for participation by City officials and landlords.

2. Growing need for closer communication about code violations and resultant tenant grievances between HID and the Board of Rent Appeals.

3. General upgrading of the hearing as an effective administrative tool for use in achieving the objectives of code enforcement policies and programs.

#### 1. Existing Administrative Hearing

Before describing recommended changes in HID hearing procedures, it might be useful to analyze the existing hearing in an effort to identify its strengths and weaknesses for parties with an interest in the code enforcement process.

For the Housing Inspection Department, the objective of its administrative hearing has chiefly been to gain quick and positive response from landlords cited for code violations. To accomplish this, HID has used an informal hearing procedure whereby a landlord may either meet personally with a HID hearings officer or inform the hearings officer by telephone of



his intentions regarding the correction of violations. In either case, the intent is to secure a commitment from the landlord to comply with the law. In terms of case "mark-offs", this procedure has proved highly effective since some 80 percent of all cases are closed after the first post-hearing reinspection.

As indicated, most landlords tend to respect the administrative hearing as presently structured. The landlord knows he can secure a time extension from HID by simply making a promise to do the work in a week or two; and he usually keeps his word. Experienced recalcitrant owners of slum property, however, know that under this informal process coupled with generally ineffective judicial sanctions, they can delay and obstruct the system simply by not acting promptly on alleged violations. It becomes clear then that the legitimate landlord will comply with the present process but unscrupulous landlords are aware that HID's ultimate power of criminal prosecution in court does not pose a costly threat.

The tenant takes a very different view of the hearing, if he is even aware of the proceeding. To most tenants, opinions about HID procedures are formed out of the frustration of not getting results on needed repairs. The administrative hearing has emerged as a particular grievance of individual tenants and tenant groups since the meeting of landlord and hearings officer is perceived as something between an opportunity for the landlord to present an unchallenged case to a chance for persuading HID to relax its pressure on the landlord. Because of the present hearing structure and the fact that the tenant is never brought into or kept informed about the events of his case, HID is not viewed by most tenants as an effective enforcement agency.

The Board of Rent Appeals retains some interest in cases of code violations. Presently, the Board sends down to HID all evidence uncovered about alleged code violations in rent review proceedings. Closer contact between HID and the Board of Rent Appeals would expand HID's information

base about code violations and inform the Board about HID cases up for rent review.

## 2. Proposed Administrative Hearing

Under the proposed arrangement the "hearing" would be divided into two separate proceedings. The first would be similar to the present hearing whereby there would be an informal meeting or phone call between the HID hearings officer and the landlord aimed at gaining compliance. The landlord would continue to be informed of the hearing by letter and it would be made clear to the landlord that it is to his advantage to comply quickly. At this stage, the tenant would be informed of the outcome of the hearing. Barring voluntary compliance, a more formalized administrative hearing which would include the participation of both tenant and landlord would be held before one or more HID hearings officers. At this hearing stage, it is recommended that the cases of landlord and tenant be heard separately. There are three reasons for this proposal: to encourage brevity on the part of the adversaries by allowing an uninterrupted presentation of each case; to encourage adversaries to appear in person without lawyers, witnesses, etc; to insure that adversaries will not be fearful of reprisals resulting from their testimony. The hope is that this kind of formal administrative hearing will allow all interested parties to make their inputs into the code enforcement process without unconscionable delay.

## 3. Procedural Path

Below is an outline of the proposed hearing procedures as they would fit into the framework of code enforcement.

1. Complaints received by HID through coding, request for inspection (I.R.), 24-hour (emergency) or Little City Hall.
2. Inspection assigned and carried out.
  - Maximum of five days from the date the complaint was lodged.
3. Legal written notice distributed according to new procedure.
  - Maximum of two days from inspection date.

4. Reinspection made; if violations have been repaired or removed, the case is marked off.

--Maximum of five days after legal service of notice.

5. If there has been no response from the landlord, he is contacted by HID and an informal hearing is held. The tenant is informed of the outcome of this procedure indicating when he can expect relief from the violations.

--Maximum of two days after reinspection; the hearings officer may grant up to a five-day extension.

6. Reinspection made; if violations have been repaired or removed, the case is marked off.

--Maximum of five days after informal hearing.

7. If there has still been no response from the landlord, he and the tenant are informed of the date and place to appear for a formal hearing. At this hearing, the landlord is required to appear while the tenant maintains the option not to appear if he wishes.

--Maximum of five days after reinspection.

Below each recommended step is the proposed maximum time allotment between the various phases. The primary objective is to reach the informal hearing in two weeks or less, the point at which 80% of cases are expected to be closed, and to reach the formal hearing within four weeks, the point at which most of the rest of the cases would hopefully be closed:

#### 4. Recommended Revisions in Complaint Procedure

This section will explain suggestions for revisions in basic aspects of the complaint procedure as proposed by OPS staff. It is hoped that this procedure will do much to strengthen the relationships of the Housing Inspection Department to the community which it serves, while simplifying some of the record-keeping work that now burdens the staff at the HID's central office.

### Complaint Procedure - Existing

Complaints are delivered to HID directly, either to the central office or to one of the two branch offices--Whittier Street in Roxbury or Arcadia Street in Dorchester--by telephone, letter, or in person. Complaints delivered to HID directly are noted on the complaint form. The optional route for complaints is via OPS, either through the 24-hour service at City Hall or the Little City Halls. The OPS six-part form is used for these complaints.

The form noting the complaint is sent out to the senior inspector in the appropriate area, who transmits it to the inspector. Emergency cases are telephoned to the branch office; others are sent out by messengers who go daily between the central office and HID's other offices, usually in the afternoon.

A copy of the complaints made is noted in a log of cases kept at the central office.

### Complaint Procedure - Proposed

Under the recommended new procedure, complaints would come in from a variety of sources: a complainant could bring his complaint directly to the Housing Inspection Department as is presently done; personally, by mail or by telephone to either the HID central office or to one of the field offices; the complaint could come through the Little City Hall-OPS structure; or it could originate with a tenant advocacy group, such as the Boston Legal Assistance Project.

Once a complaint is received, the person who receives it will record all the necessary information on the top half of the form. If that person is from a tenant advocacy group, the entire form in four parts is forwarded to HID. If the complaint is received by OPS, the green copy is retained in order to make follow-ups and the first three copies are forwarded to



the HID central office. If the complaint is received by HID, the green copy is sent to OPS; the pink copy is retained at the HID central office in the complaint file. The central office keeps a copy of all complaints while the working papers (white and yellow) are sent to the inspector in the field after checking the master file to be sure that the complaint on this property is not presently being worked on. (This is to prevent needless duplication of cases.)

The main difference between the existing and proposed procedures is that the form will be standard no matter where the complaint originates. Emergency cases would still be telephoned to the field office. Also, some clerical work could be saved by allowing tenant advocacy groups to fill out the official forms using their own staff instead of the HID headquarters staff. Moreover, it eliminates the "request for inspection" form by replacing it with a check-box on the complaint form. It also provides a separate record of all complaints to the HID central office and OPS in order to facilitate follow-up activities.

#### Inspection Procedures - Existing

When an inspector receives a complaint form, he conducts an inspection of the property, checking each of the alleged violations. He fills in the right side of the form, or the bottom of the six-part form, noting whether violations exist.

If there is no cause for complaint, this is noted on the complaint form which is returned to the central office, entered in a file of complaint forms, and the case closed.

If the inspector finds the need for placarding or demolition or if he finds violations which warrant a more complete survey than there is time for on a routine call, he recommends a full survey on the form called "Inspector's Recommendation." This form goes to his unit supervisor (a senior inspector) who schedules a second more complete inspection which is made before any further action is taken.



If violations are found, the inspector notes it on a complaint form which is returned to the central office and filed. He also fills out the legal notice.

#### Inspection Procedure - Proposed

The inspector, after he has set up a route for the day, undertakes an inspection. He fills in that portion of the form detailing which violations exist and gives the yellow copy to the tenant along with a booklet explaining the Housing Inspection Department and its procedures.

If the inspector finds the need for placarding or demolition, or if he finds violations which warrant a more complete survey than there is time for on a routine call, he checks the box, "refer to senior inspector."

This proposed change eliminates one form--"Inspector's Recommendation"--consolidating it into the complaint form. The tenant also receives a copy of the form telling him which violations exist and that a reinspection will take place, what his rights are, and to call a Little City Hall if he has any problems with the procedure.

#### Return and Service of Forms - Existing

The inspector lists the violations he has found at the property on the appropriate forms. He fills in the owner's name and address, which he has secured from tenants or neighbors, or from HID attorneys, using the ownership request form, or by telephone in emergencies.

Three copies of the legal notice are made by the inspector. All three are supposed to be forwarded to headquarters. In practice some inspectors keep one of the three for their own files. The owner's copy is delivered to him by the central office.

If the owner lives in Boston, the central office forwards the original and the owner's copy to an inspector in the area where the owner lives (that inspector must be a constable; all permanent HID inspectors are constables). He delivers the owner's copy (a carbon) and fills in the reverse side of

both copies which confirms that it has been served and incorporates the date on which it was served. He returns the original to the central office.

If the owner lives out of town, the notice is served to him by certified mail; the department copy is filed with the mailing evidence until the return receipt arrives indicating that the notice has been delivered and the date of delivery. In emergency cases, an owner who lives outside Boston can be served by an out-of-town constable (who follows the same procedure as the HID constable serving a notice). This costs HID \$9-10 per service and is therefore used infrequently.

When the HID central office has received the original of the legal notice, with evidence that it has been served, a clerk notes the date on which it was served and the number of days allowed to comply with the notice. The clerk then inserts the "cycle date" on which reinspection is due on the top of the left-hand corner of the notice and makes two duplicate copies of the original.

The original, the department copy, if any, and one duplicate are then filed in the cycle file to be drawn on the cycle date for further action.

The second duplicate copy is added to the file of legal notices which is maintained by alphabetical order of street name according to street number.

As each cycle date arrives, the duplicate (and carbon) of the legal notice are forwarded to the senior inspector handling the case for reinspection.

#### Return and Service of Forms - Proposed

The next morning, or as soon as he is back in his office, the inspector fills out the legal notice in six parts (if that is required by the conditions). He then sends the gold copy along with the original of the complaint form to the HID central office. The cycle (gold) copy of the legal no-

tice is retained in a cycle file. It is scheduled for delivery on a date one week later except for emergencies, which call for delivery two days later and out-of-town deliveries, for which 10-12 days are allowed. The original of the complaint form is placed in a master file which contains the past two years' markoffs as well as files on cases which are in process. (Files which are in process should have colored clips to distinguish them from markoffs.)

The first two copies of the legal notice are delivered, as in the present procedure. The copy is given to the owner (violator) and the original is sent to the HID central office. If the original is not returned by the time the gold copy in the cycle file is due for action, a note or telephone call is made to the constable asking where it is.

When the original is received, the clerk refiles the gold copy in the cycle file on the date when it should come up for reinspection (24 hours, three days, five days hence). At the beginning of each day, he fills out a reinspection sheet containing the address and date of reinspection for the next day's reinspections, securing the information from the cycle file. He also refiles the gold copy at a date one week later.

At each stage in the process the cycle copy has another color clip attached to it (i.e., white when it first came in to check the constable, none when waiting for reinspection date to come up, red after the reinspection sheet is prepared waiting for it to come back).

The master file is different under the recommended procedure; it contains copies of all cases which have been inspected in the past two years whether marked off or not. The inspector retains most of the legal notices to simplify communication. Notification of cycling operates similarly to the present system, except that a reinspection sheet is used for notifying the inspector to reinspect.

### Reinspection Procedure - Existing

When each day's work assignment sheet is forwarded to the senior inspector, it is made out from the day's cases in the cycle file scheduled for his area. The senior inspector receives the duplicate for the case (and carbon) and transmits them to an inspector. This is usually the original inspector but if he is away, the case is reassigned and the property reinspected immediately. The duplicate (and carbon) of the legal notice are a signal to the inspector to reinspect the property.

If violations are remedied, that is noted on the back of the legal notice, which is returned to the central office. Here the original is pulled from the cycle file and the duplicate from the master file. All documents are then inserted in the markoff file and the case is closed.

If violations remain, the inspector can recommend an extension of time on the legal notice (e.g., to give the owner time to complete work which has started). In this case the legal notice is returned to the central office where it is assigned a new cycle date and (with the original from the cycle file) refiled under the new cycle date in the cycle file. The new cycle date is noted on the master file copy. The property is reinspected when the new cycle date comes up.

Alternatively, if violations still exist, the inspector can recommend a hearing (or prosecution in emergency cases). The hearing is recommended on the hearing request form.

Two copies of the hearing request form are sent to the central office with the inspector's papers (duplicate of legal notice and carbon). When they are received at the central office, a clerk pulls the master file duplicate of the legal notice and the cycle file original. This starts the hearing procedure.

If the inspector has not returned his copy of the legal notice within a week to ten days, a clerk reviewing the cycle file will check to see why



the duplicate has not been returned (for extension) or the original pulled (for hearing or case closed).

#### Reinspection Procedure - Proposed

The inspector makes the reinspection and fills in the reinspection box on the three copies of the legal notice. He then has three choices:

- 1) if all violations are corrected, he marks off the case; otherwise he notes failure to correct the violations on the legal notice and reinspection sheet; 2) if no attempt has been made to correct the violations, he would normally recommend an administrative hearing and note that on the legal notice and reinspection sheet. In either of these cases, he would give the tenant the yellow copy of the legal notice, send the green copy to OPS and send the pink copy back to the HID central office.
- 3) If, however, there has been some improvement in the conditions, i.e., conditions are not bad enough to require an immediate administrative hearing and not improved enough to close the case, he would describe the conditions on the reinspection sheet, note that another reinspection is needed, and send the reinspection sheet back to the HID central office where the clerk would change the placement of the gold copy in the cycle file to repeat the process until a hearing is recommended or the case is marked off, usually requiring, at most, one more reinspection.

The main change recommended in the reinspection process is that all markoffs are accompanied by a detailed explanation of which violations are corrected at what time as specified on the front of the legal notice. Also, the hearing is recommended directly on the legal notice, thereby eliminating another form, the hearing request form.

Moreover, under the proposed procedure, the tenant is informed when the case is closed so that in rent withholding cases, for example, he can resume payment of rent.



B. OPS Memorandum to Home Rule Commission

Below is a revised version of a memorandum which was originally prepared by the Office of Public Service for submission to the Home Rule Commission. It contains a plan to reorganize City departments which have as its major objective to "keep the present housing stock at a general code level and to insure that new housing meets this code." The major recommendation of the memorandum called for an Inspectional Services Department (title in ordinance proposed by Home Rule Commission is Building Regulation Department) containing two major operating divisions--new construction and building maintenance--supported by a subsidiary legal section detached from the City's Law Department. Included within this new department would be the present Building Department, the Housing Inspection Department, and the Environmental Sanitation Division of the Health and Hospitals Department. (See organization chart--Appendix E). The new agency was perceived as having a broader role than that of HID and as placing emphasis on preventive inspections and civil remedies.

The divisions in the proposed new Inspectional Services Department would have the following missions:

1. New Construction--enforce the Building Code by conducting inspections and reinspections relative to the issue of building permits for new construction and major repairs, to include the personnel of present Building Department.

2. Building Maintenance--enforce the State Sanitary Code and all complaints relative to the Building Code; to include personnel of HID and the Environmental Sanitation Division of Health and Hospitals Department; code enforcement tactics to be tailored to differing housing conditions and markets in different areas of the city:

- a. Systematic code enforcement to be used in areas with strong housing markets.

b. Concentrated code enforcement to be used in areas which need upgrading and in which the housing markets will support improved housing at higher housing prices.

c. Violation-oriented code enforcement (application of criminal sanctions) to be used in areas with weak housing markets.

d. Rent withholding and receivership devices to be used primarily in areas with collapsing housing markets.

3. Administrative--an appeals section independent of the inspectional staff to hear appeals from inspectors' decisions; an administrative hearing in the form of an adversary hearing in which tenants, representatives of the Board of Rent Appeals, and representatives of OPS may testify as well as the property owners and inspectors.

According to this OPS memorandum, the following advantages would accrue from the proposed reorganization:

1. The new intake procedures of the new construction division coordinates activities of that division more closely with development activities of the Boston Redevelopment Authority and the Development Department recommended by the Home Rule Commission as successor to the BRA.

2. It clarifies the City's social policies for the maintenance of housing, provides a better mix of sanctions and rewards to achieve these social policies, and assigns to one department the responsibility for administering such policies.

3. It detaches the routine inspections which focus on violations of the Sanitary Code from the current complicated licensing functions affecting structures and environmental conditions, allowing the licensing agency to concentrate on the special inspections required for new licenses and their renewal and newer regulatory functions such as water and air pollution.

4. It develops clear appeal procedures which transform appeals from an internal, closed departmental affair to one involving all affected parties.

5. It makes few changes in present union or Civil Service arrangements but does allow for job expansion and the addition of new types of positions consistent with the broader role of the recommended new department, such as rehabilitation and housing finance specialists.

It is also the view of OPS that some of the functions of Health and Hospital's Environmental Sanitation Division should be placed in the proposed building maintenance division of the Inspectional Services Department.

The objective of the proposed reorganization is to fix responsibility for a function parallel to that of the Development Department, an umbrella agency recommended by the Home Rule Commission, which combines activities of the BRA and the Boston Housing Authority. The Home Rule Commission suggested a Building Regulation Department to administer all structural inspections and general maintenance inspections. (See organization chart in Appendix F.) The Housing Inspection Department now has little power over commercial structures. If legal power over the non-housing provisions of the Sanitary Code is not given to the new department, there will be no inspections of commercial or mixed-use buildings except where licenses or permits are involved. Thus, it would be advantageous for staff of the proposed Building Regulation Department to have the authority to inspect commercial buildings while retaining the powers to inspect places of human habitation. This overall approach to the maintenance of the city's buildings regardless of use would thereby be better coordinated.

If the enforcement of codes remains separate, there will continue to be confusion over the appropriate agency to enforce the following code provisions:

- a) alleys between stores and buildings or residential use,
- b) buildings of mixed uses,
- c) lead poisoning,
- d) private sewers and cesspools,
- e) standing water on residential sites.

One of the major deficiencies of the present system is that there is a shortage of trained inspectors in the Housing Inspection Department.

While housing inspectors respond mostly to complaints (from tenants, abutters, OPS, etc.), an exceedingly high number of environmental sanitation inspections are routine inspections not related to potential prosecutions. Thus, inspectors in the Environmental Sanitation Division have an orientation different from that of HID's housing inspectors.

In 1967, the last year for which gross figures are available, the Environmental Sanitation Division made 72,205 day inspections, 837 night inspections, and 2,823 reinspections. Of these, only some 1200 were in response to complaints; the remaining inspections were carried out as part of the Division's regular "rounds." The division's general approach is similar to comprehensive coding. Transferred personnel from the Environmental Sanitation Division would provide badly-needed manpower for systematic inspections.

With the newer tools available for enforcing the housing provisions of the Sanitary Code more effectively, including federally-assisted concentrated code enforcement (now in operation in Field's Corner-Savin Hill and Jamaica Plain sections of Boston), rent receivership and rent withholding (equity cases based on these devices are coming out of the South End and Roxbury), can certainly be dealt with more responsively. With the addition of staff from the Health and Hospitals Department who are familiar with systematic inspection processes which emphasize a non-criminal approach, the potentiality for code enforcement should be increased. With all build-

ing maintenance inspections concentrated in a single department, the responsible administrator should be able to regulate more efficiently the use, occupancy, maintenance and sanitation of all buildings and their sites.

By separating the regular inspections from the special licensing inspections, a closer check can be kept on the effectiveness and completeness of inspections. This is similar to the proposed check on the inspections to be carried out by building construction inspectors and by building maintenance inspectors. This separation of inspections according to licensing and maintenance functions should improve the effectiveness of both groups of inspectors.

### C. Epilogue

In order to place this report in a context of application to Boston's housing code enforcement policy, significant developments which occurred subsequent to the study will be reviewed.

First, several of the recommendations dealing with code administration in HID have recently been adopted in a modified form. Although the initiative for these new procedures was taken by the Commissioner of the Housing Inspection Department, many of these issues were raised in this study. Long before this study began, community and tenant-advocate groups had articulated the need for informing tenants of HID actions and for simplifying the certification of rent-impairing violations. The primary purpose of the present study was to focus attention more precisely on the critical nature of the decisions made by individual housing inspectors and to establish the need for more systematic reporting of and accountability for these decisions.

The substance of the administrative changes put into operation is as follows: At the first inspection in a complaint-initiated case, the tenant



is sent a report stating which, if any, violations exist. At subsequent reinspections the tenant is sent a notice stating which violations are considered by the inspector to be corrected. Thus, the tenant is made aware of many of the time-consuming actions involved in the case, and has a document with which to determine his satisfaction with the decision of the inspector. If an inspector during an inspection observes violations belonging to a newly-established category of serious, rent-impairing violations (established by HID in January, 1971), he informs the tenant of this and sends the owner the special legal notice stating that the violations "may endanger or materially impair the health or safety and the well-being" of the occupants. This is intended to simplify the several certifications required of tenants who wish to pursue civil remedies and is widely considered to be a major reform.

Thus, recommendations for administrative changes cited in this report and being considered for adoption either intact or in modified form by HID include following: (1) restructuring of the administrative hearing to provide roles for the tenant, landlord/manager and hearing officer, thereby formally giving representation for the first time to tenants' interests in the administrative enforcement process; (2) providing the tenant with a free written copy of HID's legal complaint notice which incorporates the critical legal language as to violations endangering health and safety, thereby making it easier for tenants to proceed with civil remedies; accompanying the notice is indication of how HID plans to pursue the case further; and (3) notifying the tenant when violations have been corrected.

Closely related to plans for restructuring the administrative hearing is the establishment of a new vital role for the Boston Rent Board. Under revised procedures, in certain cases, the Boston Rent Board is notified of alleged violations and a Board staff person attends the HID administrative hearing as an observer. Where the results of such cases are unproductive

from HID's perspective, that is, in securing acceptable commitments to correct alleged violations, the Rent Board will schedule a public hearing at which the concerned landlord is ordered to appear and the affected tenants are invited to appear. One of the objectives of this hearing is financial disclosure about the property. The Board may order a reduction in rent pending correction of the violations or negotiate an agreement between landlord and tenants under which the latter continue to pay full rent, a specified proportion of which must be allocated each month toward repairs until the work is completed.

Second, although the recommendations made in this report for reorganization of the Housing Inspection and Building Departments have not been adopted in toto by the Home Rule Commission, the ordinance for a Building Regulation Department which the Commission submitted to the City Council is similar in mission and form to the proposed Inspectional Services Department. Moreover, much of the legal research for the OPS proposal was utilized by the Commission, and the detailed provisions of the legislation will be subject to modification when a Steering Committee for Home Rule legislation is established in the near future. The OPS proposals will be reintroduced for the consideration of this Committee.

Third, the experience gained by the Office of Public Service in jointly undertaking this study has led to considerable broadening of the concept of housing code enforcement by the staff of the Policy Planning Section of the Mayor's Office of Public Service. During the year since completion of the study in September, 1970, OPS has extended its interest in housing code enforcement by continuing in-depth analysis of the causes of housing deterioration with a view toward eventually developing an "early warning system" on housing abandonment. Possible policy changes aimed at intercepting housing abandonment are being debated at the highest levels of decision-

making in housing maintenance. OPS is also beginning a more detailed analysis of the results of the use of civil remedies in order to develop a more precise picture of housing situations in which these devices can be most effective.

In a broad sense, then, this study has served as a catalyst for initiating significant changes in housing code enforcement processes and housing maintenance and for stimulating continuing discussion of housing maintenance issues which will generate short-term and long-range improvements in housing maintenance policies, organization, administration and performance.

## APPENDIX A







# Housing Inspection Department City of Boston

## COMPLAINT FORM

33

PHONED ☐

Date: ..... Time: .....

Housing Inspection Dept. ....  
Indicate Office

Office of Public Service ....  
Indicate Office

Mail Personal Telephone ) Location ..... Wd/Pct .....  
Type of Premises .....

Complainant ..... Address ..... Telephone No. ....  
Received by: ..... Best time to come: ..... To Inspector: .....  
Call for time: ..... Route: .....

### NATURE OF COMPLAINT

Inspector will check No. 2	1	2		Inspector will check No. 2	1	2		Inspector will check No. 2	1	2
General Examination .....				Receptacles .....				Uncleanliness .....		
See Complainant .....				Smoke .....				Roof .....		
Dampness .....				Stagnant Water .....				Heat .....		
Drainage .....				Leak .....				Garbage - Rubbish .....		
Water Closet .....				Cellar .....						
Water Supply .....				Passageway .....						
Dust .....				Vacant land .....						
Flies - Mosquitoes .....				Halls .....						
Rats Vermin .....				Light - Ventilation .....						
Yard .....				Offensive Odors .....						

### VIOLATION (S)

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Inspector .....

### INSPECTOR'S REPORT

Cause for action ..... Yes ..... No ..... Date ..... Remarks .....  
Notice served on .....  
.....  
.....  
Address .....  
Already reported ..... Date .....  
Referred to other department .....





KEVIN H. WHITE  
MAYOR

## MAYOR'S OFFICE OF PUBLIC SERVICE

138201

DATE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ APT \_\_\_\_\_

TELEPHONE \_\_\_\_\_

LETTER ☐ PHONED ☐ WALK-IN ☐ OPS ☐

Referred to \_\_\_\_\_

Department \_\_\_\_\_

Division \_\_\_\_\_

LOCATION OF PROBLEM \_\_\_\_\_

WARD \_\_\_\_\_ PRECINCT \_\_\_\_\_

SERVICE REQUEST OR INQUIRY \_\_\_\_\_

Received by \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

Date \_\_\_\_\_

Name \_\_\_\_\_

OPS FOLLOW-UP

TELEPHONE ☐ LETTER ☐ PERSONAL VISIT ☐ INSPECTION ☐

DATE AND COMMENTS \_\_\_\_\_

REFERRED BACK TO DEPARTMENT ☐ SAME FORM ☐ NEW FORM NUMBER \_\_\_\_\_

Date Completed \_\_\_\_\_

Assistant Manager \_\_\_\_\_



## Commonwealth of Massachusetts

SUFFOLK, ss.

REFERENCE No. ....

To the Sheriffs of our several Counties, or their Deputies, or any  
Constable of any City or Town within our said Commonwealth:



CITY OF BOSTON

....., GREETING.

WE COMMAND you to serve the below described person or legal entity:

owner occupant, tenant, or agent of property located in the City of Boston at:

That the Commissioner of the Housing Inspection Department of the City of Boston has adjudged certain private property which you own, manage, or occupy is in violation of the Sanitary Code authorized under Chapter 111 Section 127A of the Massachusetts General Laws to wit:

## VIOLATION

HEREOF FAIL NOT, under penalty of law to comply with said Sanitary Code, within ..... Days,  
You have a right and a responsibility to request a hearing as provided by law.

FRANCIS W. GENS, Commissioner,  
Housing Inspection Department, City of Boston.

Inspector

No. ....

(SEE REVERSE SIDE FOR FURTHER NOTICE)



**Compensation Will Not Be Allowed Unless Officer's  
Return Contains A Bill of Items, Together with Affidavit**

Boston.....19

OFFICER'S RETURN, SUFFOLK, SS.

By virtue of this Writ, I this day served the before described person or entity by:

(CROSS OUT THOSE THAT DO NOT APPLY)

1. Personally.
2. By leaving a copy of the order at his last and usual place of abode.
3. The premises are unoccupied and the residence of the owner or agent is unknown or is without the Commonwealth, therefore, I posted the order on a conspicuous place on the premises.

A true copy.

Attest:

Fees,  
Service,  
Travel,

(Please State Title)

(If served other than personally please state reasons)

**NOTICE IN COMPLIANCE WITH SANITARY CODE**

This is a legal notice, no further notice will be given prior to prosecution, under the Sanitary Code. You have a right and a responsibility to request a hearing in writing, if you cannot comply with the Sanitary Code within the time allotted you. Hearings may be requested by writing the Housing Inspection Department, City Hall, Boston (see regulation 34).

At the hearing you shall be given an opportunity to be heard and to show cause why the order should be modified or withdrawn.

If a written petition for a hearing is not filed within the time allowed by law, upon conviction, you shall be fined not less than ten dollars nor more than fifty dollars, each day's failure to comply with the order shall constitute a separate violation. Chapter 111, Section 127A, Massachusetts General Laws.

INSPECTOR'S RECOMMENDATION

LOCATION \_\_\_\_\_ WARD \_\_\_\_\_ PRECINCT \_\_\_\_\_

INSPECTOR \_\_\_\_\_ ROUTE NO. \_\_\_\_\_

PREMISES SHOULD BE: \_\_\_\_\_

DWELLING UNIT SHOULD BE: \_\_\_\_\_

CODED \_\_\_\_\_ PLACARDED & VACATED \_\_\_\_\_

ASSIGNED TO: \_\_\_\_\_

RESULT OF INSPECTION:

---

---

---

---

---

---

---

---

---

---

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_





**CITY OF BOSTON**  
**HOUSING INSPECTION DEPARTMENT**  
City Hall, Boston, Massachusetts 02108

**FRANCIS W. GENS**  
*Commissioner*

ENFORCEMENT DIVISION  
WILLIAM E. WALSH  
*Assistant Commissioner*

INSPECTION DIVISION  
FRANK P. HENRY  
*Director*

Date.....

DEPARTMENT REFERRED TO.....

LOCATION OF PROPERTY..... WARD.....

SUPPOSED OWNER.....

ADDRESS OF OWNER.....

REFERRED ON ACCOUNT OF:.....

**REFERRED:**

Building Department References  
in Quadruplicate  
Fire Department References  
in Triplicate

Other References in Duplicate

\_\_\_\_\_  
Inspector

\_\_\_\_\_  
Route

\_\_\_\_\_  
Senior Inspector

\_\_\_\_\_  
District





FORM 5

.....  
Location

.....  
Route

**OWNERSHIP REQUEST**

Rents collected by.....  
.....  
.....

Building vacant?.....

Sketch vacant land below and give numbers of the adjoining buildings:

.....  
Date

.....  
Inspector

.....  
Date

.....  
Senior Inspector

**TITLE EXAMINATION**

.....  
NAME

.....  
ADDRESS  
.....  
.....

.....  
Date

.....  
Senior Legal Assistant

**BOSTON HOUSING INSPECTION DEPARTMENT**



HEARING REQUEST

LOCATION \_\_\_\_\_ No. \_\_\_\_\_

I recommend that pre-prosecution hearing be held because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Inspector

\_\_\_\_\_  
Date Requested

\_\_\_\_\_  
Route No.



CITY OF BOSTON  
HOUSING INSPECTION DEPARTMENT  
CITY HALL Room 703  
ONE CITY HALL SQUARE, BOSTON 02201

Francis W. Gens  
Commissioner

Frank P. Henry  
Director

William E. Walsh  
Assistant Commissioner

Date \_\_\_\_\_

Re: \_\_\_\_\_  
Violation of Sanitary Code

Legal Notice No. \_\_\_\_\_

Dear Sir:

In accordance with the Sanitary Code authorized by Chapter 111, Section 127 - A of the Massachusetts General Laws, you are hereby requested to appear at a hearing to be held by the Housing Inspection Department of the City of Boston.

This hearing will be held to show why a criminal complaint for violation of the Sanitary Code should not be issued. At this hearing you will be given an opportunity to show why the order as issued should be modified or withdrawn.

The hearing will be held in

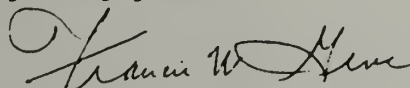
Boston City Hall - Room 703, South East  
One City Hall Square, Boston

ON \_\_\_\_\_  
AT \_\_\_\_\_ A.M. \_\_\_\_\_ P.M.

Failure to appear at this Hearing will result in legal action.

All communications relative to this hearing should be directed to the Hearings Officer, Housing Inspection Department, by calling - 722 - 4100 - ext. 774.

Very truly yours,

  
Francis W. Gens  
Commissioner





*Housing Inspection Department*  
*City of Boston*  
*Massachusetts*

*Francis W. Gens*  
*Commissioner*

# HEARING DECISION

Date: ..... Case No.: .....

Location: .....

Tape No.: ..... Side: ..... Track: ..... Start: ..... End: .....

Request for extension of time or modification denied.

Prosecution recommended. ....

Request for extension of time allowed until.....

Prosecution recommended if violation exists on that date. ....

Violator states work DONE. If, reinspection reveals work done case is closed with warning.

If, work is NOT DONE prosecution recommended .....  
 .....

Violator failed to appear. If, reinspection reveals violation exists prosecution recommended .....  
 .....

Violator requests continuance until.....

Request granted until this date; new hearing. ....  
 .....

Variance to be requested. ....  
 .....

.....  
 Hearings Officer

Decision mailed this date to owner(s) at legal address. ....  
 .....

Decision given in hand this date. ....  
 .....

ALL COMMUNICATIONS IN THIS REGARD SHOULD BE DIRECTED TO  
 HEARINGS OFFICER, HOUSING INSPECTION DEPARTMENT, ROOM 703,  
 ONE CITY HALL SQUARE, BOSTON, MASSACHUSETTS 02201  
 Tel. 722-4100 (Ext. 744 or 775)





LOCATION \_\_\_\_\_

CASE NO. \_\_\_\_\_

POST HEARING RE-INSPECTION

NO. \_\_\_\_\_

RE INSPECTION RECOMMENDED

\_\_\_\_\_ Work Progressing, recommend more time

\_\_\_\_\_ No one at home at time of inspection

\_\_\_\_\_ Dwelling unit vacant.

Other reason \_\_\_\_\_

FINAL DISPOSITION

\_\_\_\_\_ Violations corrected, case closed

\_\_\_\_\_ Prosecution process recommended

\_\_\_\_\_ Case closed due to ownership

Other \_\_\_\_\_

Inspector \_\_\_\_\_

Date \_\_\_\_\_





CITY OF BOSTON

HOUSING INSPECTION DEPARTMENT

PROSECUTION IN PROCESS

Location \_\_\_\_\_ Case No. \_\_\_\_\_

Violator As Appears In Legal Notice

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I Recommend Prosecution Because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Supervisor \_\_\_\_\_

OWNERSHIP VERIFICATION

Ownership Verified by Title Search; Prosecution Approved: \_\_\_\_\_

Legal Notice Defective; New Legal Required as Described Below: \_\_\_\_\_

Title Searcher \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## FORM 11A

## Offence

Reseg. to M. C.

**Names of Witnesses.**

Recog.  
to S. C.

Give place of business or employment, if in  
Boston, otherwise, residence.

St. No.

**Complainant.**

**State if defendant is arrested,**

Date of Arrest,



FORM 11B

Date of Offence, \_\_\_\_\_ Number \_\_\_\_\_

Complainant, \_\_\_\_\_ Address, \_\_\_\_\_

\*Defendant, \_\_\_\_\_ Address, \_\_\_\_\_ Date of Birth \_\_\_\_\_

Offence, \_\_\_\_\_ Lic. No. \_\_\_\_\_ Reg. No. \_\_\_\_\_

RECOG TO M COURT										NAMES OF WITNESSES		S	C	RESIDENCE	
										COMPLAINANT					

CITATION NUMBER \_\_\_\_\_

IS DEFENDANT ARRESTED? \_\_\_\_\_ CLERK





FORM 11C

Complainant:

Defendant:

Age...

Offence:

Date of Offence:

Police Officer,

Division No. 11—19



FORM 11D

(APPLICATION)

DATE OF OFFENCE: ..... NUMBER.....

COMPLAINANT: .. ..

DEFENDANT: ..... LICENSE NO.....

ADDRESS: .....

.....

.....

OFFENCE: .....

.....

.....

.....

WITNESSES:

RESIDENCE:

.....,

.....,

.....,

.....,

.....,





CITY OF BOSTON

HOUSING INSPECTION DEPARTMENT

## INSPECTOR'S PROSECUTION REPORT

Legal No. \_\_\_\_\_

Report No. \_\_\_\_\_

Location of Violation: \_\_\_\_\_

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

1. Ownership Defective; New Notice Required. I Have Forwarded This Case to Senior Inspector \_\_\_\_\_ for Final Disposition.

This Case Closed:-

New Notice Sent to: \_\_\_\_\_

(name) \_\_\_\_\_

(address) \_\_\_\_\_

2. Violations Corrected Prior to Court Appearance: \_\_\_\_\_

3. On \_\_\_\_\_ I Sought a -- HEARING ---- COMPLAINT (circle one)

(date)

At The \_\_\_\_\_ District Court.

This Case Will Come Up for Further Action On \_\_\_\_\_

(date)

4. HEARING Held On \_\_\_\_\_ Before Judge \_\_\_\_\_

(date)

Clerk \_\_\_\_\_

Results of HEARING:-

Owner Appeared:-- YES--- NO--- Complaint Issued:-- YES--- NO--- (circle one)

Complaint NOT Issued - Violation Corrected \_\_\_\_\_

(date)

HEARING Continued to \_\_\_\_\_ Reason: \_\_\_\_\_

Date Set for Trial \_\_\_\_\_ Other \_\_\_\_\_

5. TRIAL Held On \_\_\_\_\_ Before Judge \_\_\_\_\_

(date)

Results of TRIAL:-

Case Continued to \_\_\_\_\_ Reason \_\_\_\_\_

(date)

Case Placed on -- FILE -- NOT GUILTY -- GUILTY, NO FINE -- (circle one)

GUILTY, FINED \_\_\_\_\_

Defendant APPEALED \_\_\_\_\_

(amount)

6. Appeal Heard on \_\_\_\_\_ Before Judge \_\_\_\_\_

(date)

Results: \_\_\_\_\_

7. Remarks: \_\_\_\_\_

Inspector's Signature \_\_\_\_\_

(date)

NOTE: USE THIS FORM TO REPORT THE STATUS OF A CASE IN PROSECUTION UNTIL THE CASE IS CLOSED. PRINT ALL ENTRIES LEGIBLE. NUMBER EACH REPORT CONSECUTIVELY. USE REVERSE SIDE FOR ADDITIONAL REMARKS.



DEPARTMENTAL PROSECUTION STATUS SHEET

LOCATION OF VIOLATION \_\_\_\_\_

NOTICE NO. \_\_\_\_\_

OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

INSPECTOR \_\_\_\_\_

DATE PROS. REQUESTED \_\_\_\_\_

TITLE SEARCH: \_\_\_\_\_

DATE GIVEN \_\_\_\_\_

DATE RETURNED \_\_\_\_\_

VERIFIED BY \_\_\_\_\_

OWNERSHIP NOT VERIFIED, NEW OWNER \_\_\_\_\_

PROSECUTION PAPERS SENT (DATE) \_\_\_\_\_

RECEIPT RETURNED (DATE) \_\_\_\_\_

DISPOSITION:

1. VIOLATIONS CORRECTED PRIOR TO COURT APPEARANCE \_\_\_\_\_

2. DATE CASE FILED \_\_\_\_\_ COURT \_\_\_\_\_

HEARING SCHEDULED (DATE) \_\_\_\_\_ COMPLAINT ISSUED \_\_\_\_\_

CASE CONTINUED TO (DATE) \_\_\_\_\_ REASON \_\_\_\_\_

REASON \_\_\_\_\_

REASON \_\_\_\_\_

REASON \_\_\_\_\_

REASON \_\_\_\_\_

3. DATE SET FOR TRIAL \_\_\_\_\_

4. TRIAL HELD (DATE) \_\_\_\_\_ JUDGE \_\_\_\_\_

CASE CONTINUED TO (DATE) \_\_\_\_\_ REASON \_\_\_\_\_

RESULTS OF TRIAL: CASE PLACED ON FILE \_\_\_\_\_ NOT GUILTY \_\_\_\_\_

GUILTY, NO FINE \_\_\_\_\_ GUILTY, FINED (AMOUNT) \_\_\_\_\_ DEFENDANT APPEALED \_\_\_\_\_

5. APPEAL HEARD ON (DATE) \_\_\_\_\_ BEFORE JUDGE \_\_\_\_\_

RESULTS: \_\_\_\_\_

REMARKS: \_\_\_\_\_

INSPECTOR \_\_\_\_\_ DATE \_\_\_\_\_



## HOUSING INSPECTION DEPARTMENT — HOUSING CODE FORM

Address: ..... Ward .....

Owner: ..... Address: .....

Occupant: ..... Floor ..... Apt. No. .... Cellar ..... Basement .....

1. Type Dwelling: ..... Single 2 3 4 5 6 family ..... Multiple ..... Dormitory ..... Fraternity .....  
 Lodging .....
2. Structure: ..... Frame ..... Brick ..... Semidetached ..... Detached ..... Continuous .....
3. Number of stories: ..... 1 2 3 4 5 6 Cellar ..... Basement ..... Total .....
4. Number of dwelling units: ..... 1 2 3 4 5 6 7 8 9 10 ..... Total .....
5. Number of occupants in dwelling unit: ..... 1 2 3 4 5 6 7 8 ..... Total .....
6. Number of habitable rooms in dwelling unit: ..... 1 2 3 4 5 6 7 ..... Total .....
7. Number of sleeping rooms in dwelling unit: ..... 1 2 3 4 ..... Total .....

## SANITARY ITEM

## SECTION 1. PLUMBING

- |   | Yes | No |
|---|-----|----|
| 8. Running hot and cold water available.....  |     |    |
| 9. Boston metropolitan water available.....   |     |    |
| 10. Plumbing fixtures properly drained and connected to sewer, septic tank, cesspool..... |     |    |
| 11. Sink available in kitchen.....  |     |    |
| 12. Water closet in dwelling unit.....  |     |    |
| 13. Bathtub or shower in dwelling unit.....   |     |    |
| 14. Water closet, shower, and bathroom accessible and private.....                        |     |    |
| 15. Water heating facilities available and working properly.....                          |     |    |
| 16. Temperature of hot water at 120° F. or above.....                                     |     |    |
| 17. Plumbing free from sanitary defects.....  |     |    |

## SECTION 2. GARBAGE AND RUBBISH

- |  |  |  |
|--|--|--|
| 18. Garbage stored in sanitary manner in dwelling unit.....                        |  |  |
| 19. Rubbish stored in sanitary manner in dwelling unit.....                        |  |  |
| 20. Proper and sufficient outdoor receptacles available.....                       |  |  |
| 21. Proper disposal of garbage..... Incinerated ..... Ground ..... Receptacle..... |  |  |
| 22. Proper disposal of rubbish..... Incinerated ..... Receptacle.....              |  |  |

## SECTION 3. LIGHT, VENTILATION, HEATING EGRESS

- |  |  |  |
|--|--|--|
| 23. One window or skylight to outdoors in each habitable room.....   |  |  |
| 24. Window or skylight 10 per cent of floor area in each habitable room.....   |  |  |
| 25. 45 per cent minimum window or skylight area openable to out of doors or approved mechanical ventilation available.....   |  |  |
| 26. Every bathroom and water closet well lighted.....  |  |  |
| 27. Every bathroom and water closet ventilated..... natural ..... mechanical.....  |  |  |
| 28. Electricity available in each habitable room.....  |  |  |
| 29. Two electric wall outlets or one wall and one ceiling outlet in each habitable room.....   |  |  |
| 30. Interior passageways and staircases naturally or artificially illuminated at all times.....  |  |  |
| 31. Suitable switches provided for such illumination in dwellings occupied by three families or more.....  |  |  |
| 32. All means of egress from dwelling unit or lodging unit unobstructed and safe.....  |  |  |
| 33. Available heating facilities appear to be properly installed, safe, and in good working condition.....   |  |  |
| 34. Are heating facilities capable of heating all habitable rooms to proper temperature (CODE REQUIREMENT: 70°F. UNDER ORDINARY MINIMUM WINTER CONDITIONS) ..... (TENANT COMMENT)..... |  |  |
| 35. All nonelectrical space heaters properly vented to chimney or outside.....   |  |  |

#### SECTION 4. MAINTENANCE

Yes

36. Foundation, floors, walls, ceilings, doors, windows, and roof appear to be in good repair.....
37. Every stairway properly banistered, safe, and in good condition and repair.....
38. Every porch safe, in good condition and repair.....
39. Porches, balconies, and roofs used for egress properly balustered and protected.....
40. Roof, walls, windows, exterior doors, and hatchways free from holes and evidence of leaks.....
41. Foundation, floors, walls, ceilings appear to be free from chronic dampness.....
42. Dwelling free from rodents and vermin.....(TENANT COMMENT).....
43. Floors of bathroom and water closet compartment impervious to water.....

#### SECTION 5. SPACE, USE, AND OCCUPANCY

44. Dwelling unit contains proper number of square feet per habitable room (CODE REQUIREMENT: 150 SQUARE FEET FLOOR AREA FOR FIRST OCCUPANT; 100 ADDITIONAL SQUARE FEET FLOOR SPACE FOR EVERY ADDITIONAL OCCUPANT).....
45. Sleeping rooms contain proper number of square feet per habitable room (CODE REQUIREMENT: IN DWELLING UNITS OF TWO (2) OR MORE ROOMS, AT LEAST 70 SQUARE FEET FLOOR SPACE FOR ONE (1) OCCUPANT; ADDITIONAL 50 SQUARE FEET FLOOR SPACE FOR EACH ADDITIONAL OCCUPANT).....
46. Sleeping rooms in lodging units contain proper number square feet (CODE REQUIREMENT: 80 SQUARE FEET FLOOR SPACE IN ROOMS OCCUPIED BY ONE (1) PERSON; 60 SQUARE FEET FLOOR SPACE FOR EACH ADDITIONAL OCCUPANT OF ROOM).....
47. Proper ceiling heights in each habitable room (CODE REQUIREMENT: AT LEAST ONE-HALF FLOOR AREA HAS CEILING HEIGHT OF 7 FEET OR MORE).....
48. Basement rooms used for sleeping purposes.....

REMARKS:.....

The recorder is expected to make further comment here relative to other environmental conditions observed : d whether referrals to other city departments such as the Building and Fire Departments should be made.

DATE.....

TIME.....

Recorded by.....



## HOUSING INSPECTION DEPARTMENT

REQUEST FOR INSPECTION

Address \_\_\_\_\_ Floor \_\_\_\_\_ Apartment Number or Dwelling Unit \_\_\_\_\_

1. I hereby request an inspection of my apartment for the following purposes:

A. Chapter 111, Section 127 C & H, known as, the Rent Receivership Law \_\_\_\_\_

B. Chapter 239, Section 8A, known as, Defense to Summary Process \_\_\_\_\_

The conditions present that I believe to be a violation of the State Sanitary Code, Article II, are:-

2. I do \_\_\_ do not \_\_\_ believe the conditions present, or violations that exist, may endanger or materially impair your health or safety.

3. There are \_\_\_ are no \_\_\_ conditions in other apartments or dwelling units, in the dwelling, where I live, that may endanger or materially affect the health or safety of myself or my family. (Give apartment number, and what conditions, if answer differs from answer #1).

4. The owner of my dwelling unit is:-

Name \_\_\_\_\_

Address \_\_\_\_\_

5. I paid my last months rent to:-

Name \_\_\_\_\_

Address \_\_\_\_\_

Date of Payment \_\_\_\_\_

Tenant's Telephone Number \_\_\_\_\_

Tenant's Name - (Please print) \_\_\_\_\_

Date Signed \_\_\_\_\_

Signature of Tenant \_\_\_\_\_



## Commonwealth of Massachusetts

SUFFOLK, SS.

REFERENCE No. ....

To the Sheriffs of our several Counties, or their Deputies, or any  
Constable of any City or Town within our said Commonwealth:



CITY OF BOSTON

, GREETING.

WE COMMAND you to serve the below described person or legal entity:

owner occupant, tenant, or agent of property located in the City of Boston at:

That the Commissioner of the Housing Inspection Department of the City of Boston has adjudged certain private property which you own, manage, or occupy is in violation of the Sanitary Code authorized under Chapter 111 Section 127A of the Massachusetts General Laws to wit:

## VIOLATION

"It is hereby stated that said violations may endanger or materially impair the health or safety, and the well-being of any tenant therein or persons occupying said property."

HEREOF FAIL NOT, under penalty of law to comply with said Sanitary Code, within ..... Days,  
You have a right and a responsibility to request a hearing as provided by law.

FRANCIS W. GENS, Commissioner,  
Housing Inspection Department, City of Boston.

Inspector

No. ....

(SEE REVERSE SIDE FOR FURTHER NOTICE)

**Boston**.....19

If a written petition for a hearing is not filed within the time allowed by law, upon conviction, you shall be fined not less than ten dollars nor more than fifty dollars, each day's failure to comply with the order shall constitute a separate violation. Chapter 111, Section 127A, Massachusetts General Laws.

FORM 17  
CITY OF BOSTON  
HOUSING INSPECTION DEPARTMENT  
CITY HALL Room 703  
ONE CITY HALL SQUARE, BOSTON 02201

Francis W. Gens  
Commissioner

Frank P. Henry  
Director

William E. Walsh  
Assistant Commissioner

REQUEST FOR VARIANCE

\_\_\_\_\_  
Reference Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Notice date

\_\_\_\_\_  
Residence

\_\_\_\_\_  
Hearing date

To: HOUSING INSPECTION DEPARTMENT - CITY HALL, Room 703, BOSTON

Reasons why literal enforcement of the sanitary code would create a manifest injustice:

I hereby state that the granting of this variance will not conflict with the spirit of the sanitary code and that the lives and safety of the occupants and general public will not be endangered if granted.

Signed under penalties of perjury.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Date





CITY OF BOSTON  
HOUSING INSPECTION DEPARTMENT  
CITY HALL Room 703  
ONE CITY HALL SQUARE, BOSTON 02201

FORM 18

Francis W. Gens  
Commissioner

Frank P. Henry  
Director

William E. Walsh  
Assistant Commissioner

INSPECTOR VARIANCE  
REPORT

\_\_\_\_\_  
Address

\_\_\_\_\_  
Notice Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Residence

I have read the request for variance filed by the petitioner.

Check one

I feel that the enforcement of the sanitary code would be a manifest injustice and that the granting of the variance would not violate the spirit of the code or endanger the lives and safety of the public. I hereby recommend the granting of the variance.

I feel that a partial variance should be granted as requested for the following reasons:

I feel that the variance should not be granted because

\_\_\_\_\_  
Approved

\_\_\_\_\_  
Senior Inspector

\_\_\_\_\_  
Inspector

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



*Housing Inspection Department**City of Boston**Massachusetts**Francis W Gens**Commissioner*V A C A T E O R D E R

Acting under and by virtue of the authority vested in the Housing Inspection Commissioner of the City of Boston by the Emergency Provisions of Chapter 111, section 127A, regulation 5.1 of Article 1 of the State Sanitary Code and all other enabling authority, it is hereby ordered by the said Commissioner:

that the following described building or structure situated at:

\_\_\_\_\_

IN THIS CITY BEING UNFIT FOR USE FOR HUMAN HABITATION, because of

VIOLATION OF STATE SANITARY CODE ARTICLE 2  
Regulation(s) 9.3

BE VACATED WITHIN TWENTY-FOUR HOURS FROM THE SERVICE OF THIS ORDER.

To: \_\_\_\_\_ - Owner of the Premises  
\_\_\_\_\_ - Tenant of the Premises

Located at: \_\_\_\_\_ Apt. # \_\_\_\_\_

In compliance with the above action, you are hereby ordered to vacate said premises within TWENTY-FOUR HOURS from the date of this order.

FAILURE TO COMPLY WITH THIS ORDER WILL RENDER YOU LIABLE TO THE PENALTIES PROVIDED BY LAW WITHOUT FURTHER NOTICE.

Francis W. Gens  
Commissioner







A TRUE COPY — ATTENT:

CONSTABLE, CITY OF BOSTON

**CITY OF BOSTON**

**HOUSING INSPECTION DEPARTMENT**

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**NOTICE**

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has been CONDEMNED AS UNFIT FOR HUMAN HABITATION by an order of the Commissioner of Housing Inspection of the City of Boston under Regulation 33.2 of Article II of the State Sanitary Code, and SHALL NOT AGAIN BE USED FOR HUMAN HABITATION until written approval is secured from, and this placard is removed by, the HOUSING INSPECTION DEPARTMENT of the City of Boston.

FRANCIS W. GENS  
COMMISSIONER OF HOUSING INSPECTION  
OF THE CITY OF BOSTON

DO NOT DEFACE OR REMOVE UNDER PENALTIES OF LAW

COMMONWEALTH OF MASSACHUSETTS

CONTINUANCE OF ORDER:-

AFTER AN EXAMINATION OF THESE PREMISES IT IS MY OPINION THAT THE DWELLING SO FAILS TO COMPLY WITH THE SANITARY CODE. THAT PERSONS WHO OCCUPY SAME ARE ENDANGERED AND THAT THE CONDITIONS AS FOUND MATERIALLY IMPAIR THE HEALTH AND WELL BEING OF ANY OCCUPANT OR THE PUBLIC AND I ORDER THE DWELLING CONDEMNED, AS BEING UNFIT FOR HUMAN HABITATION AND THE PREMISES SHOULD BE VACATED, IF OCCUPIED, AND PLACARDED TO THIS EFFECT.

ACTING UNDER THE AUTHORITY GRANTED TO ME UNDER CHAPTER 446 SECTIONS 1 AND 2 OF THE ACTS OF 1941 AND ALL OTHER ENABLING STATUTES, ORDINANCES OR RULES AND REGULATIONS.

I HEREBY STATE THAT IT IS MY OPINION THAT THE BUILDING BY WANT OF REPAIR HAS BECOME DANGEROUS TO LIFE AND IS UNFIT BECAUSE OF THE BEFORE MENTIONED DEFECTS, IN THE CONSTRUCTION OF SAME: AND I HEREBY ORDER THE BUILDING VACATED WITHIN THE BEFORE MENTIONED TIME.

Francis W. Gens, Commissioner  
Housing Inspection Department  
City of Boston



## APPENDIX B

### TYPES OF INSPECTIONAL WORK PERFORMED BY HEALTH AND HOSPITALS DEPARTMENT

Investigations of complaints

Victualers licenses - restaurants, etc.

Restaurants and all establishments concerned with food of any kind

Ice cream sales; manufacturing of frozen desserts; milk dispensers

Bakeries

Meat terminals; produce terminals; processing plants

Offensive trades - sausage and hamburger manufacturing; poultry slaughtering, etc.

Peddlers for licensing; also for wholesomeness of food

Markets; stands; grease and bones; ice; garbage and manure removal

Canteen trucks; caterers; commissaries

Carbonated beverage manufacturing plants

Nursing homes; day care agencies; hospitals

Air pollution; water pollution

Dumps

Trailers and trailer camps

Keeping of hens; stabling of horses

Cesspool truck cleaning

Massage and vapor baths

Swab-rinse tests of dishes, glasses, utensils

Ventilation

Sandblasting operations

Undertaking parlors

Cemeteries

Swimming pools

Alleys around restaurants and business places

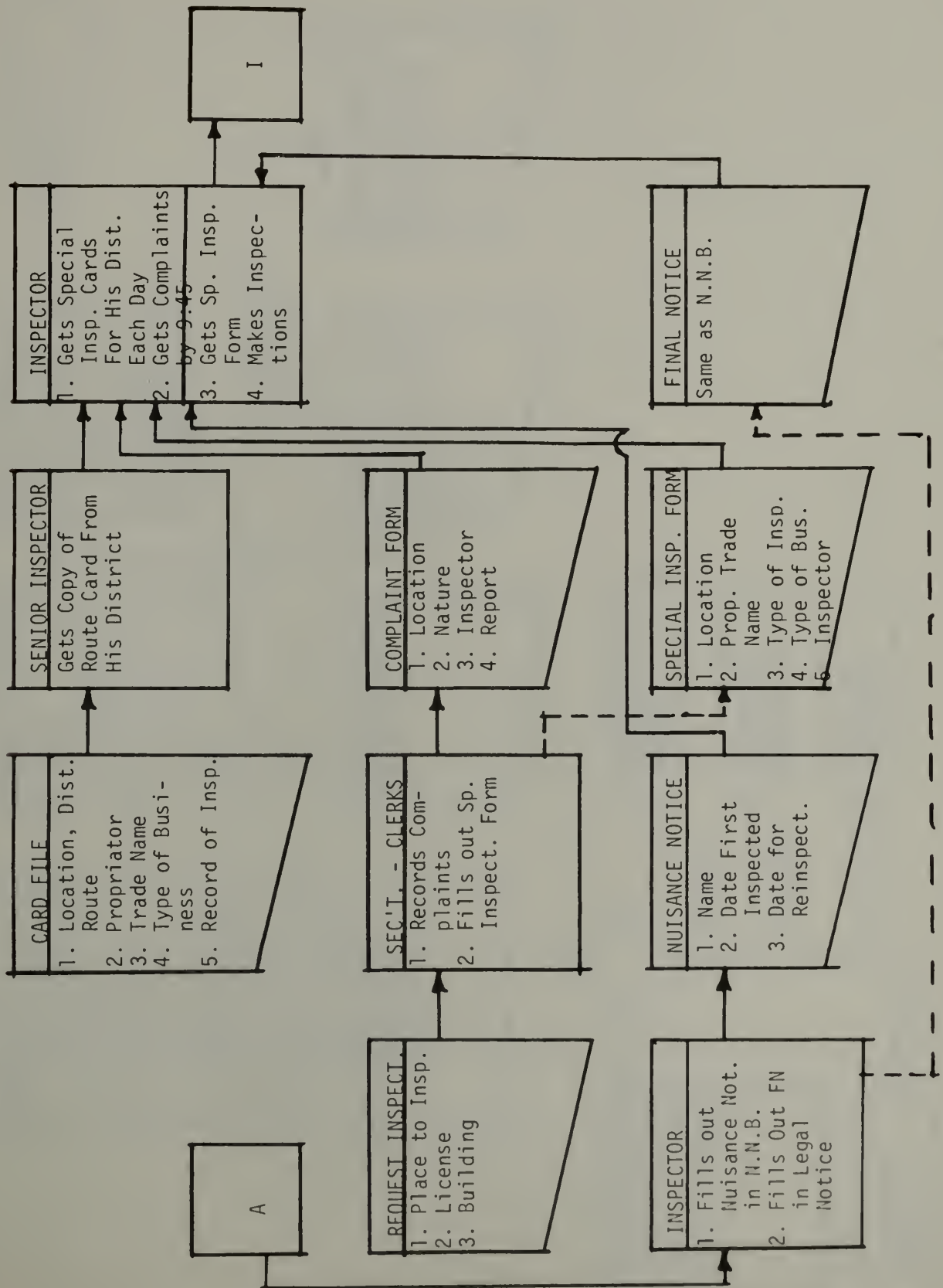
Lead poisoning cases

Sanitation: office building; factories; theatres; halls and all commercial buildings

Bathing beaches

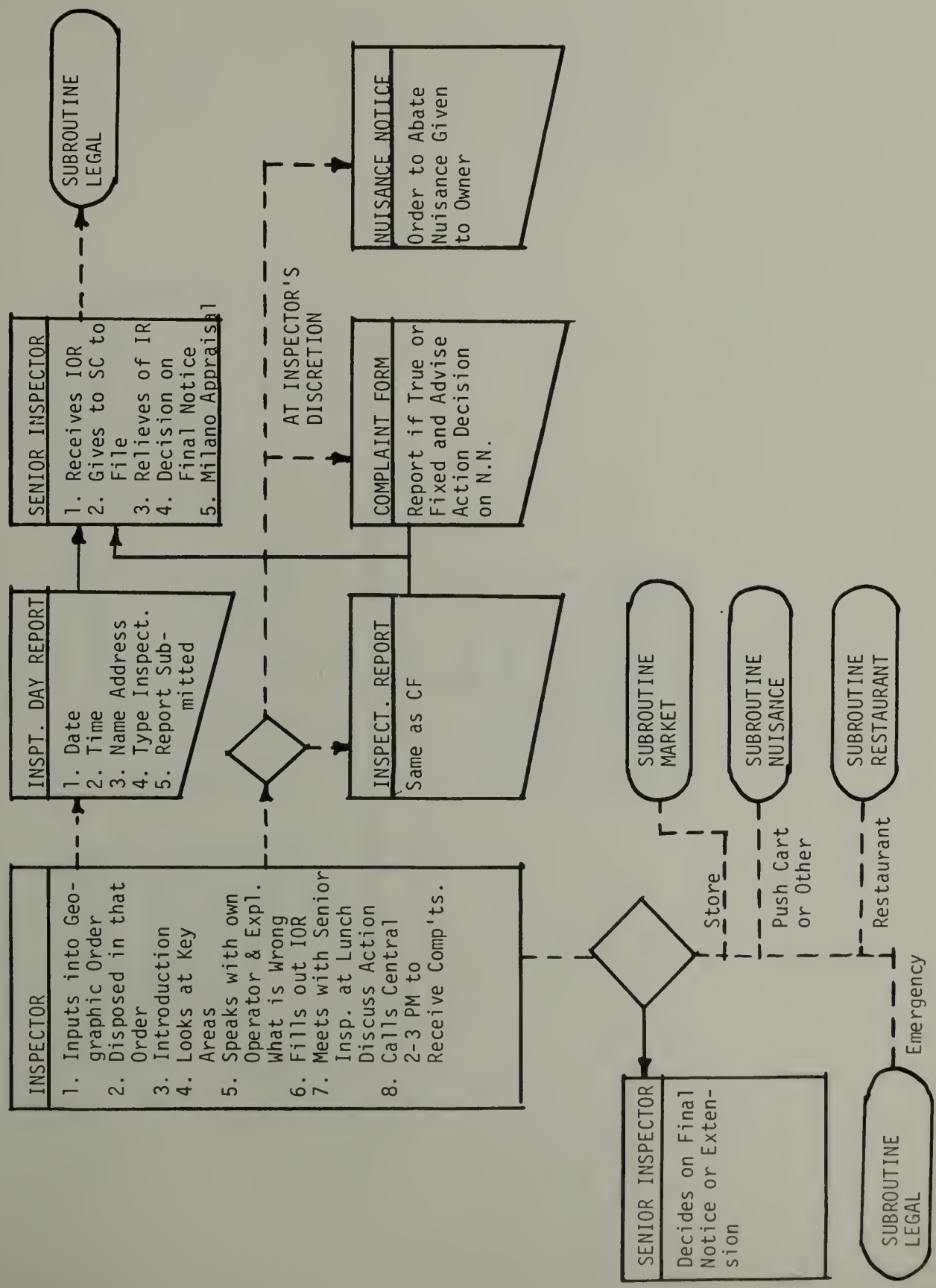


APPENDIX C





INSPECTION SUBROUTINE







SUBROUTINE  
MARKET

STORE-MARKET INSP	
1. Name Owner	Address
2. Details De- scrip. of Insp. and Unsatis- factory Items X'ed.	

SUBROUTINE  
RESTAURANT

AD 515	
1. Name Owner Tel	Address
2. Permit No.	
3. Details & Des. of Inspect. & Unsatisf. Items X'ed.	

SUBROUTINE  
NUISANCE

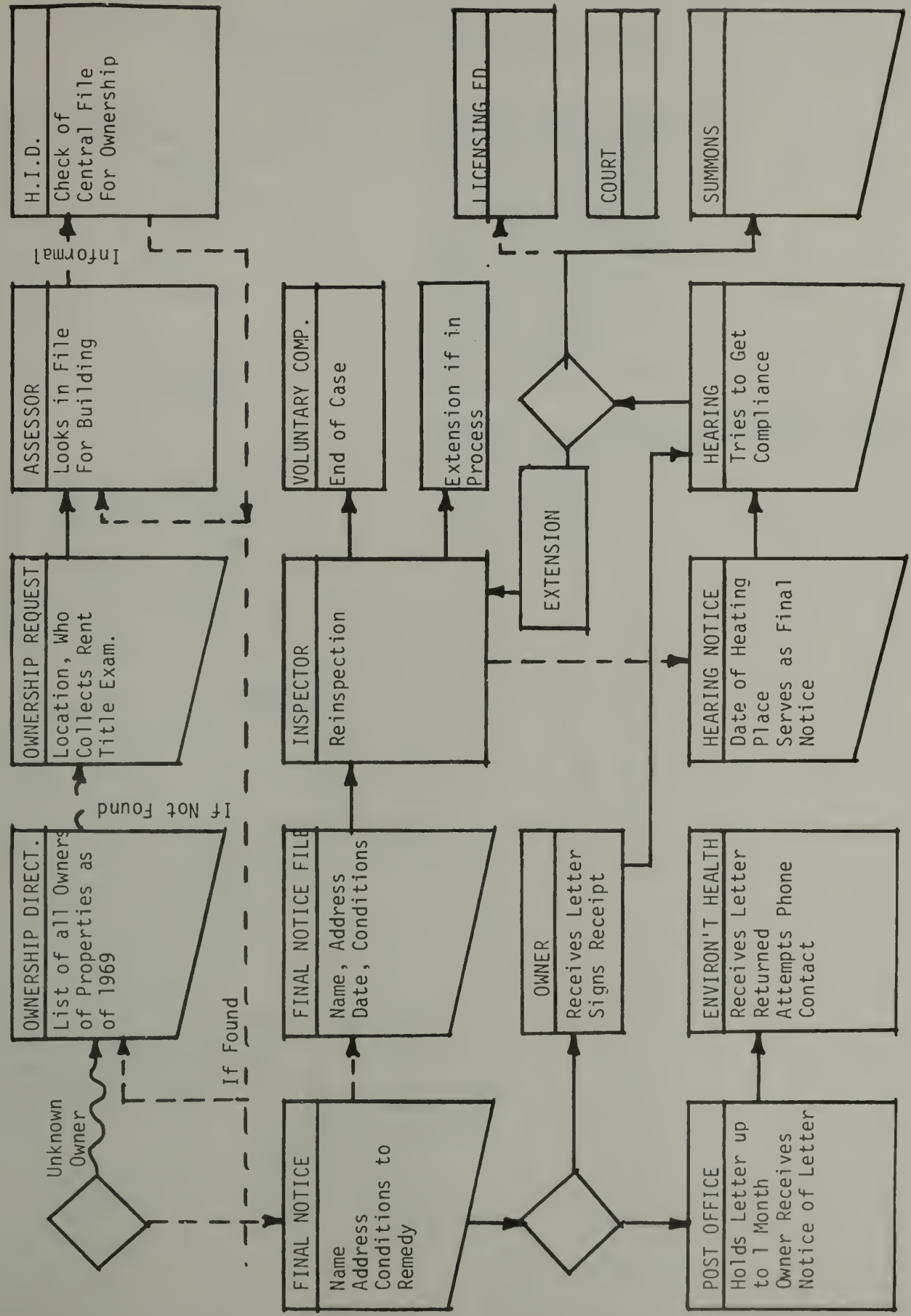
NUISANCE-NOTICE	
1. Name Address	
2. No. of Ways to Remedy	
3. Condition to Remedy	

INSPECTOR	
1. Copy to Store Operator	
2. Reason to be Cleared up	
3. Gives # of Days (Stoid) to Fix	
4. Fills in N.N.	

A
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LEGAL SUBROUTINE





APPENDIX D

BUILDING DEPARTMENT--AUTHORIZED POSITIONS,  
September 1, 1970

ADMINISTRATIVE

Building Commissioner	1
Asst. Bldg. Commissioner	1
Senior Adm. Assistant	1
Administrative Assistant	1
Ch. Bldg. Adm. Clerk	2
Head Admin. Clerk	2
Principal Cashier	1
Head Clerk & Secretary	1
Head Clerk	2
Principal Clerk	3
Bldg. Plan Stor. Attend.	2
Senior Micro-Operator	1
Senior Clerk & Typist	4
Clerk & Typist	1
	<u>23</u>

DESIGN AND SYSTEM APPROVAL

Sup. Structural Engineer	1
Associate Civil Engineer	1
Sr. Mechanical Engineer	1
Sr. Electrical Engineer	1
Zoning Administrator	1
Building Plan Examiner	2
Assistant Zoning Adm.	1
Street Numbering Insp.	1
	<u>9</u>

INSTALLATION SAFETY INSPECTION

Asst. Building Commr.	1
Suprv. Electrical Insp.	1
Suprv. Mechanical Insp.	1
Ch. Gas & Sprk. Insp.	1
Sr. Administrative Asst.	1
Ch. Electrical Inspector	3
Ch. Elevator Inspector	1
Ch. Plumbing Inspector	1
Sr. Elect. Inspector	6
Sr. Elevator Inspector	1
Sr. Gas & Sprk. Insp.	1
Sr. Plumbing Inspector	1
Elevator Inspector	10
Exterior Elect. Inspector	1
Gasfitting Inspector	6
Interior Elect. Inspector	16
Plumbing Inspector	12
Sprinkler Inspector	1
	<u>65</u>

SYSTEMATIC CODE INSPECTION

Asst. Building Commr.	1
Suprv. Const. & Safety	1
Sr. Admin. Assistant	1
Ch. Building Inspector	3
Chief Egress Inspector	1
Senior Building Inspector	6
Bldg. Const. & Repair	1
Building Inspector	30
Sr. Egress Inspector	1
Egress Inspector	3
Egress Zoning Inspector	1
Principal Clerk	1
	<u>50</u>

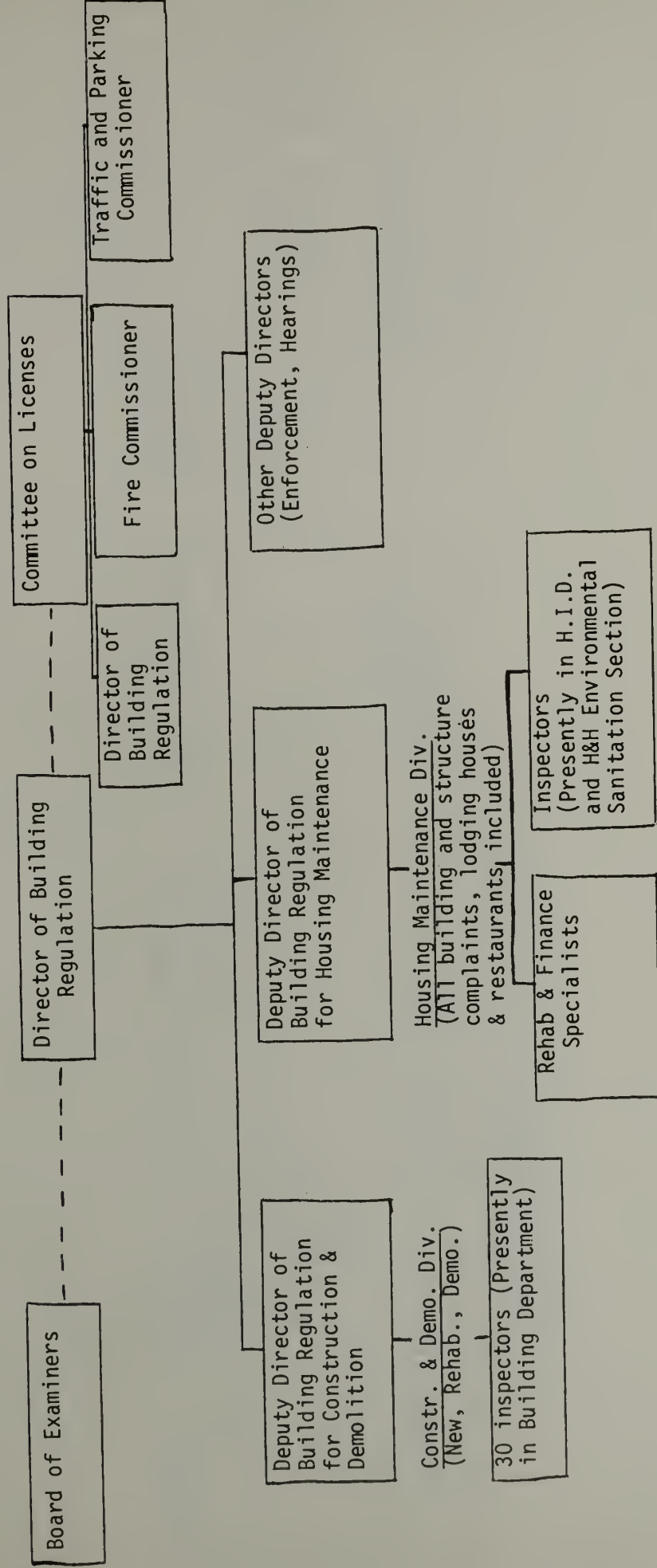
CONDEMNATION & DEMOLITION OF UNSAFE BUILDINGS

Principal Legal Assistant	1
Sr. Adm. Assistant	1
Sr. Legal Assistant	2
Principal Clerk	2
Sr. Clerk & Typist	2
	<u>8</u>





OPS RECOMMENDATION FOR BUILDING REGULATION DEPT.





HOME RULE COMMISSION'S REORGANIZATION PROPOSAL

